

NEW YORK STATE SUPREME COURT  
KINGS COUNTY

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Index No.: \_\_\_\_\_

JEFFREY ESKRIDGE, SEAN COURTNEY, JAMES  
FORGIONE, P.B., JOHN SCOTTO, EDWARD PITRE,  
GEORGE PITRE, L.S., DOMINICK PAGANO,  
WILLIAM NOVAK, GARRETT TUPPER, D.K., J.N.,  
H.C., S.E., and CAROLINE BORRINO,

Date Filed: \_\_\_\_\_

**SUMMONS**

Plaintiffs designate Kings County  
as the place of trial.

Plaintiffs,

-against-

The basis of venue is one  
defendant's residence.

DIOCESE OF BROOKLYN, OUR FATHER'S  
HOUSE/OUR LADY OF VICTORY CHURCH, OUR  
LADY OF GRACE PARISH AND SCHOOL,  
IMMACULATE CONCEPTION OF THE BLESSED  
VIRGIN MARY CHURCH AND SCHOOL, THE MARY  
LOUIS ACADEMY, ST. MARY STAR OF THE SEA  
CHURCH AND SCHOOL, ST. JOHN'S HOME FOR  
BOYS, SAINTS SIMON & JUDE CHURCH AND  
SCHOOL, BISHOP LOUGHLIN MEMORIAL HIGH  
SCHOOL, ST. EPHREM'S CHURCH AND SCHOOL,  
OUR LADY OF THE ANGELUS CHURCH AND  
SCHOOL, ST. BERNARD OF CLAIRVAUX PARISH,  
ST. ANTHONY'S-ST. ALPHONSUS PARISH AND  
SCHOOL, ST. PATRICK'S CHURCH, and OUR LADY  
OF GUADALUPE CHURCH AND SCHOOL,

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Defendants.

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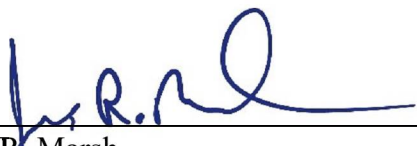
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: August 14, 2019

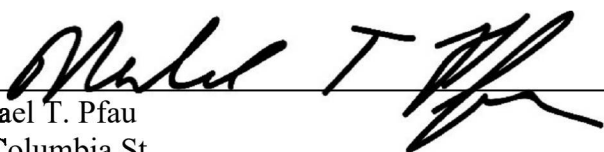
Respectfully Yours,

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Attorneys for Plaintiffs

NEW YORK STATE SUPREME COURT  
KINGS COUNTY

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Index No.: \_\_\_\_\_/\_\_\_\_

**COMPLAINT**

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Plaintiffs,

-against-

DIOCESE OF BROOKLYN, OUR FATHER'S  
HOUSE/OUR LADY OF VICTORY CHURCH, OUR  
LADY OF GRACE PARISH AND SCHOOL,  
IMMACULATE CONCEPTION OF THE BLESSED  
VIRGIN MARY CHURCH AND SCHOOL, THE MARY  
LOUIS ACADEMY, ST. MARY STAR OF THE SEA  
CHURCH AND SCHOOL, ST. JOHN'S HOME FOR  
BOYS, SAINTS SIMON & JUDE CHURCH AND  
SCHOOL, BISHOP LOUGHLIN MEMORIAL HIGH  
SCHOOL, ST. EPHREM'S CHURCH AND SCHOOL,  
OUR LADY OF THE ANGELUS CHURCH AND  
SCHOOL, ST. BERNARD OF CLAIRVAUX PARISH,  
ST. ANTHONY'S-ST. ALPHONSUS PARISH AND  
SCHOOL, ST. PATRICK'S CHURCH, and OUR LADY  
OF GUADALUPE CHURCH AND SCHOOL,

Defendants.

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Plaintiffs, by and through their attorneys, the Marsh Law Firm PLLC and Pfau Cochran  
Vertetis Amala PLLC, respectfully allege for their complaint the following:

**I. INTRODUCTION**

1. The Diocese of Brooklyn (the "Diocese") knew for decades that its priests, clergy, religious brothers, religious sisters, school administrators, teachers, employees, and volunteers were using their positions within the Diocese to groom and to sexually abuse children. Despite that knowledge, the Diocese failed to take reasonable steps to protect children from being sexually

abused and actively concealed the abuse. In February of 2019, following decades of denial and cover-up, the Diocese of Brooklyn released a list of over 100 priests accused of sexually abusing children. Based on the Diocese's wrongful conduct, a reasonable person could and would conclude that it knowingly and recklessly disregarded the abuse of children and chose to protect its reputation and wealth over those who deserved protection. The result is not surprising: for decades hundreds, if not thousands, of children were sexually abused by Catholic clergy and others who served the Diocese. The plaintiffs in this lawsuit are some of those children who were sexually abused because of the Diocese's wrongful conduct.

## **II. PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72**

2. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each plaintiff's claims were time-barred the day they turned 22 years old. The enactment of the CVA allows plaintiffs, for the first time in their lives, to pursue restorative justice in New York State.

## **III. PARTIES**

3. Plaintiff Jeffrey Eskridge is an adult male who currently resides in Suitland, Maryland.

4. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

5. Upon information and belief, at all relevant times the Diocese conducted business as the "Diocese of Brooklyn" or "Brooklyn Diocese."

6. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff Jeffrey Eskridge and his family.

7. Upon information and belief, Father Joseph Nugent (“Father Nugent”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Jeffrey Eskridge and his family. During the time Father Nugent was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Jeffrey Eskridge.

8. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Nugent used his position as a priest to sexually abuse plaintiff Jeffrey Eskridge, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

9. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Nugent used his position as a priest to sexually abuse plaintiff Jeffrey Eskridge, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

10. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

11. Upon information and belief, at all relevant times defendant Our Father’s House/Our Lady of Victory Church (“Our Father’s House/Our Lady of Victory”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

12. Upon information and belief, Our Father's House/Our Lady of Victory is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

13. Upon information and belief, at all relevant times Our Father's House/Our Lady of Victory conducted business as “Our Father's House/Our Lady of Victory Church and School,” “Our Father’s House,” “Our Lady of Victory Church,” Our Lady of Victory School,” and/or “Our Lady of Victory.”

14. Our Lady of Victory is a parish with a church and school, which operated a men’s shelter called Our Father’s House, and is located in Brooklyn, New York.

15. Upon information and belief, Father Joseph Nugent was a priest employed by Our Father's House/Our Lady of Victory to serve Catholic families in its geographic jurisdiction, including plaintiff Jeffrey Eskridge. During the time Father Joseph Nugent was employed by Our Father's House/Our Lady of Victory, he used his position as a priest to groom and to sexually abuse plaintiff Jeffrey Eskridge.

16. To the extent that Our Father's House/Our Lady of Victory was a different entity, corporation, or organization during the period of time during which Father Nugent used his position as a priest to sexually abuse Jeffrey, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

17. To the extent Our Father's House/Our Lady of Victory is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Nugent used his position as a priest to sexually abuse Jeffrey, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

18. All such Our Father's House/Our Lady of Victory-related entities, corporations, or organizations are collectively referred to herein as “Our Father's House/Our Lady of Victory.”

19. Plaintiff Sean Courtney is an adult male who currently resides in Centereach, New York.

20. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff Sean Courtney and his family.

21. Upon information and belief, Father Francis Evans (“Father Evans”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Sean Courtney and his family. During the time Father Evans was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Sean Courtney.

22. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Evans used his position as a priest to sexually abuse plaintiff Sean Courtney, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

23. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Evans used his position as a priest to sexually abuse plaintiff Sean Courtney, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

24. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”



25. Upon information and belief, at all relevant times defendant Our Lady of Grace Parish and School (“Our Lady of Grace”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

26. Upon information and belief, Our Lady of Grace is currently a not-for-profit religious corporation organized under New York law with its principal office in Howard Beach, New York.

27. Upon information and belief, at all relevant times Our Lady of Grace conducted business as “Our Lady of Grace Parish and School,” Our Lady of Grace Parish,” “Our Lady of Grace School,” or “Our Lady of Grace.”

28. Our Lady of Grace is a parish with a church and school located in Howard Beach, New York.

29. Upon information and belief, Father Francis Evans was a priest employed by Our Lady of Grace to serve Catholic families in its geographic jurisdiction, including plaintiff Sean Courtney and his family. During the time Father Francis Evans was employed by Our Lady of Grace, he used his position as a priest to groom and to sexually abuse plaintiff Sean Courtney.

30. To the extent that Our Lady of Grace was a different entity, corporation, or organization during the period of time during which Father Evans used his position as a priest to sexually abuse Sean, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

31. To the extent Our Lady of Grace is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Evans used his position as a priest to sexually abuse Sean, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

32. All such Our Lady of Grace-related entities, corporations, or organizations are collectively referred to herein as “Our Lady of Grace.”

33. Plaintiff James Forgione is an adult male who currently resides in Bayside, New York.

34. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff James Forgione and his family.

35. Upon information and belief, Father Herbert McElroy (“Father McElroy”) was a priest employed by the Diocese to serve Catholic families, including plaintiff James Forgione and his family. During the time Father McElroy was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff James Forgione.

36. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father McElroy used his position as a priest to sexually abuse plaintiff James Forgione, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

37. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father McElroy used his position as a priest to sexually abuse plaintiff James Forgione, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

38. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

39. Upon information and belief, at all relevant times defendant Immaculate Conception of the Blessed Virgin Mary Church and School (“St. Mary's”) was a not-for-profit

religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

40. Upon information and belief, St. Mary's is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

41. Upon information and belief, at all relevant times St. Mary's conducted business as "Immaculate Conception of the Blessed Virgin Mary Church and School," "Immaculate Conception of the Blessed Virgin Mary Church," "Immaculate Conception of the Blessed Virgin Mary School," "Immaculate Conception of the Blessed Virgin Mary," "Immaculate Conception," "St. Mary's Church," "St. Mary's School," or "St. Mary's."

42. St. Mary's is a parish with a church and school located in Brooklyn, New York.

43. Upon information and belief, Father Herbert McElroy was a priest employed by St. Mary's to serve Catholic families in its geographic jurisdiction, including plaintiff James Forgione and his family. During the time Father Herbert McElroy was employed by St. Mary's, he used his position as a priest to groom and to sexually abuse plaintiff James Forgione.

44. To the extent that St. Mary's was a different entity, corporation, or organization during the period of time during which Father McElroy used his position as a priest to sexually abuse James, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

45. To the extent St. Mary's is a successor to a different entity, corporation, or organization which existed during the period of time during which Father McElroy used his position as a priest to sexually abuse James, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

All such St. Mary's-related entities, corporations, or organizations are collectively referred to herein as "St. Mary's."

46. Plaintiff P.B. is an adult female who currently resides in New York, New York.

47. While she was a minor, plaintiff P.B. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff P.B. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

48. In the alternative, plaintiff P.B. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that her identity is protected from the public while allowing the defendants full access to information necessary for their defense.

49. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious brothers, religious sisters, and others who served various Catholic institutions and families, including plaintiff P.B. and her family.

50. Upon information and belief, Sister Noel Marie Wynne ("Sister Noel Marie") was a nun and teacher employed by the Diocese to serve Catholic families, including plaintiff P.B. and her family. During the time Sister Noel Marie was employed by the Diocese, she used her position as a nun and teacher to groom and to sexually abuse plaintiff P.B.

51. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Sister Noel Marie used her position as a nun and teacher to sexually abuse plaintiff P.B., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

52. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Sister Noel Marie used her

position as a nun and teacher to sexually abuse plaintiff P.B., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

53. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

54. Upon information and belief, at all relevant times defendant The Mary Louis Academy (“TMLA”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

55. Upon information and belief, TMLA is currently a not-for-profit religious corporation organized under New York law with its principal office in Jamaica, New York.

56. Upon information and belief, at all relevant times TMLA conducted business as “The Mary Louis Academy,” “TMLA,” “Mary Louis,” and/or “Mary Louis Academy.”

57. TMLA is an all-girls Catholic school located in Jamaica, New York.

58. Upon information and belief, Sister Noel Marie Wynne was a nun and teacher employed by TMLA to serve Catholic families in its geographic jurisdiction, including plaintiff P.B. and her family. During the time Sister Noel Marie Wynne was employed by TMLA, she used her position as a nun and teacher to groom and to sexually abuse plaintiff P.B.

59. To the extent that TMLA was a different entity, corporation, or organization during the period of time during which Sister Noel Marie used her position as a nun and teacher to sexually abuse P.B., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

60. To the extent TMLA is a successor to a different entity, corporation, or organization which existed during the period of time during which Sister Noel Marie used her position as a nun

and teacher to sexually abuse P.B., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

61. All such TMLA-related entities, corporations, or organizations are collectively referred to herein as “TMLA.”

62. Plaintiff John Scotto is an adult male who currently resides in Bayville, New Jersey.

63. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served various Catholic institutions and families, including plaintiff John Scotto and his family.

64. Upon information and belief, Mr. Luttenburger (“Mr. Luttenburger”) was a teacher employed by the Diocese to serve Catholic families, including plaintiff John Scotto and his family. During the time Mr. Luttenburger was employed by the Diocese, he used his position as a teacher to groom and to sexually abuse plaintiff John Scotto.

65. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Mr. Luttenburger used his position as a teacher to sexually abuse plaintiff John Scotto, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

66. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Luttenburger used his position as a teacher to sexually abuse plaintiff John Scotto, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

67. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

68. Upon information and belief, at all relevant times defendant St. Mary Star of the Sea Church and School (“St. Mary Star of the Sea”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

69. Upon information and belief, St. Mary Star of the Sea is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

70. Upon information and belief, at all relevant times St. Mary Star of the Sea conducted business as “St. Mary Star of the Sea Church and School,” “St. Mary Star of the Sea Church,” “St. Mary Star of the Sea School,” “St. Mary Star of the Sea,” or “St. Mary’s.”

71. St. Mary Star of the Sea is a parish with a church and school located in Brooklyn, New York.

72. Upon information and belief, Mr. Luttenburger was a teacher employed by St. Mary Star of the Sea to serve Catholic families in its geographic jurisdiction, including plaintiff John Scotto and his family. During the time Mr. Luttenburger was employed by St. Mary Star of the Sea, he used his position as a teacher to groom and to sexually abuse plaintiff John Scotto.

73. To the extent that St. Mary Star of the Sea was a different entity, corporation, or organization during the period of time during which Mr. Luttenburger used his position as a teacher to sexually abuse John, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

74. To the extent St. Mary Star of the Sea is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Luttenburger used his position as a teacher to sexually abuse John, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

75. All such St. Mary Star of the Sea-related entities, corporations, or organizations are collectively referred to herein as “St. Mary Star of the Sea.”

76. Plaintiff Edward Pitre is an adult male who currently resides on Long Island, New York.

77. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served various Catholic institutions and families, including plaintiff Edward Pitre and his family.

78. Upon information and belief, Horacio Proce (“Mr. Proce”) was a guidance counselor employed by the Diocese to serve Catholic families, including plaintiff Edward Pitre. During the time Mr. Proce was employed by the Diocese, he used his position as a guidance counselor to groom and to sexually abuse plaintiff Edward Pitre.

79. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Mr. Proce used his position as a guidance counselor to sexually abuse plaintiff Edward Pitre, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

80. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Proce used his position as a guidance counselor to sexually abuse plaintiff Edward Pitre, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

81. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”



82. Upon information and belief, at all relevant times defendant St. John's Home for Boys ("St. John's") was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

83. Upon information and belief, St. John's is currently a not-for-profit religious corporation organized under New York law with its principal office in Rockaway Park, New York.

84. Upon information and belief, at all relevant times St. John's conducted business as "St. John's Home for Boys" or "St. John's."

85. St. John's is a Catholic school and home for youth located in Rockaway Park, New York.

86. Upon information and belief, Horacio Proce was a guidance counselor employed by St. John's to serve Catholic families in its geographic jurisdiction, including plaintiff Edward Pitre. During the time Horacio Proce was employed by St. John's, he used his position as a guidance counselor to groom and to sexually abuse plaintiff Edward Pitre.

87. To the extent that St. John's was a different entity, corporation, or organization during the period of time during which Mr. Proce used his position as a guidance counselor to sexually abuse Edward, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

88. To the extent St. John's is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Proce used his position as a guidance counselor to sexually abuse Edward, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

89. All such St. John's-related entities, corporations, or organizations are collectively referred to herein as "St. John's."

90. Plaintiff George Pitre is an adult male who currently resides in Copiague, New York.

91. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served various Catholic institutions and families, including plaintiff George Pitre and his family.

92. Upon information and belief, Horacio Proce (“Mr. Proce”) was a guidance counselor employed by the Diocese to serve Catholic families, including plaintiff George Pitre. During the time Mr. Proce was employed by the Diocese, he used his position as a guidance counselor to groom and to sexually abuse plaintiff George Pitre.

93. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Mr. Proce used his position as a guidance counselor to sexually abuse plaintiff George Pitre, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

94. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Proce used his position as a guidance counselor to sexually abuse plaintiff George Pitre, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

95. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

96. Upon information and belief, at all relevant times defendant St. John’s Home for Boys (“St. John’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

97. Upon information and belief, St. John's is currently a not-for-profit religious corporation organized under New York law with its principal office in Rockaway Park, New York.

98. Upon information and belief, at all relevant times St. John's conducted business as "St. John's Home for Boys" or "St. John's."

99. St. John's is a Catholic school and home for youth located in Rockaway Park, New York.

100. Upon information and belief, Horacio Proce was a guidance counselor employed by St. John's to serve Catholic families in its geographic jurisdiction, including plaintiff George Pitre. During the time Horacio Proce was employed by St. John's, he used his position as a guidance counselor to groom and to sexually abuse plaintiff George Pitre.

101. To the extent that St. John's was a different entity, corporation, or organization during the period of time during which Mr. Proce used his position as a guidance counselor to sexually abuse George, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

102. To the extent St. John's is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Proce used his position as a guidance counselor to sexually abuse George, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

103. All such St. John's-related entities, corporations, or organizations are collectively referred to herein as "St. John's."

104. Plaintiff L.S. is an adult female who currently resides in Davie, Florida.

105. While she was a minor, plaintiff L.S. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff L.S. is

entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

106. In the alternative, plaintiff L.S. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that her identity is protected from the public while allowing the defendants full access to information necessary for their defense.

107. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served various Catholic institutions and families, including plaintiff L.S. and her family.

108. Upon information and belief, Bernadine Jaworski (“Ms. Jaworski”) was a teacher employed by the Diocese to serve Catholic families, including plaintiff L.S. and her family. During the time Ms. Jaworski was employed by the Diocese, she used her position as a teacher to groom and to sexually abuse plaintiff L.S.

109. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Ms. Jaworski used her position as a teacher to sexually abuse plaintiff L.S., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

110. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Ms. Jaworski used her position as a teacher to sexually abuse plaintiff L.S., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

111. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

112. Upon information and belief, at all relevant times defendant Saints Simon & Jude Church and School (“Saints Simon & Jude”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

113. Upon information and belief, Saints Simon & Jude is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

114. Upon information and belief, at all relevant times Saints Simon & Jude conducted business as “Saints Simon & Jude Church and School,” “Saints Simon & Jude Church,” “Saints Simon Parish,” “Saints Simon & Jude School,” “Saints Simon & Jude,” and/or “Saints Simon.”

115. Saints Simon & Jude is a parish with a church and school located in Brooklyn, New York.

116. Upon information and belief, Bernadine Jaworski was a teacher employed by Saints Simon & Jude to serve Catholic families in its geographic jurisdiction, including plaintiff L.S. and her family. During the time Bernadine Jaworski was employed by Saints Simon & Jude, she used her position as a teacher to groom and to sexually abuse plaintiff L.S.

117. To the extent that Saints Simon & Jude was a different entity, corporation, or organization during the period of time during which Ms. Jaworski used her position as a teacher to sexually abuse L.S., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

118. To the extent Saints Simon & Jude is a successor to a different entity, corporation, or organization which existed during the period of time during which Ms. Jaworski used her position as a teacher to sexually abuse L.S., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

119. All such Saints Simon & Jude-related entities, corporations, or organizations are collectively referred to herein as “Saints Simon & Jude.”

120. Plaintiff Dominick Pagano is an adult male who currently resides in Brooklyn, New York.

121. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served various Catholic institutions and families, including plaintiff Dominick Pagano and his family.

122. Upon information and belief, Father George Zatarga (“Father Zatarga”) was a priest and school administrator employed by the Diocese to serve Catholic families, including plaintiff Dominick Pagano and his family. During the time Father Zatarga was employed by the Diocese, he used his position as a priest and school administrator to groom and to sexually abuse plaintiff Dominick Pagano.

123. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Zatarga used his position as a priest and school administrator to sexually abuse plaintiff Dominick Pagano, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

124. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Zatarga used his position as a priest and school administrator to sexually abuse plaintiff Dominick Pagano, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

125. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

126. Upon information and belief, at all relevant times defendant Bishop Loughlin Memorial High School (“Bishop Loughlin”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

127. Upon information and belief, Bishop Loughlin is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

128. Upon information and belief, at all relevant times Bishop Loughlin conducted business as “Bishop Loughlin Memorial High School,” “Bishop Loughlin School,” or “Bishop Loughlin.”

129. Bishop Loughlin is a Catholic high school located in Brooklyn, New York.

130. Upon information and belief, Father George Zatarga was a priest and school administrator employed by Bishop Loughlin to serve Catholic families in its geographic jurisdiction, including plaintiff Dominick Pagano and his family. During the time Father George Zatarga was employed by Bishop Loughlin, he used his position as a priest and school administrator to groom and to sexually abuse plaintiff Dominick Pagano.

131. To the extent that Bishop Loughlin was a different entity, corporation, or organization during the period of time during which Father Zatarga used his position as a priest and school administrator to sexually abuse Dominick, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

132. To the extent Bishop Loughlin is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Zatarga used his position as a priest and school administrator to sexually abuse Dominick, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

133. All such Bishop Loughlin-related entities, corporations, or organizations are collectively referred to herein as “Bishop Loughlin.”

134. Plaintiff William Novak is an adult male who currently resides in Jackson, New Jersey.

135. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served various Catholic institutions and families, including plaintiff William Novak and his family.

136. Upon information and belief, Father Robert Ferro (“Father Ferro”) was a priest and school administrator employed by the Diocese to serve Catholic families, including plaintiff William Novak and his family. During the time Father Ferro was employed by the Diocese, he used his position as a priest and school administrator to groom and to sexually abuse plaintiff William Novak.

137. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Ferro used his position as a priest and school administrator to sexually abuse plaintiff William Novak, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

138. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Ferro used his position as a priest and school administrator to sexually abuse plaintiff William Novak, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

139. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”



140. Upon information and belief, at all relevant times defendant St. Ephrem's Church and School ("St. Ephrem") was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

141. Upon information and belief, St. Ephrem is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

142. Upon information and belief, at all relevant times St. Ephrem conducted business as "St. Ephrem Church and School," "St. Ephrem Church," "St. Ephrem School," and/or "St. Ephrem."

143. St. Ephrem is a parish with a church and school located in Brooklyn, New York.

144. Upon information and belief, Father Robert Ferro was a priest and school administrator employed by St. Ephrem to serve Catholic families in its geographic jurisdiction, including plaintiff William Novak and his family. During the time Father Robert Ferro was employed by St. Ephrem, he used his position as a priest and school administrator to groom and to sexually abuse plaintiff William Novak.

145. To the extent that St. Ephrem was a different entity, corporation, or organization during the period of time during which Father Ferro used his position as a priest and school administrator to sexually abuse William, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

146. To the extent St. Ephrem is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Ferro used his position as a priest and school administrator to sexually abuse William, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

147. All such St. Ephrem-related entities, corporations, or organizations are collectively referred to herein as “St. Ephrem.”

148. Plaintiff Garrett Tupper is an adult male who currently resides in Williston Park, New Jersey.

149. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff Garrett Tupper and his family.

150. Upon information and belief, Father Eugene Connolly (“Father Connolly”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Garrett Tupper and his family. During the time Father Connolly was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Garrett Tupper.

151. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Connolly used his position as a priest to sexually abuse plaintiff Garrett Tupper, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

152. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Connolly used his position as a priest to sexually abuse plaintiff Garrett Tupper, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

153. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

154. Upon information and belief, at all relevant times defendant Our Lady of the Angelus Church and School (“Our Lady of the Angelus”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

155. Upon information and belief, Our Lady of the Angelus is currently a not-for-profit religious corporation organized under New York law with its principal office in Rego Park, New York.

156. Upon information and belief, at all relevant times Our Lady of the Angelus conducted business as “Our Lady of the Angelus Church and School,” “Our Lady of the Angelus Parish,” “Our Lady of the Angelus Church,” “Our Lady of the Angelus School,” or “Our Lady of the Angelus.”

157. Our Lady of the Angelus is a parish with a church and school located in Rego Park, New York.

158. Upon information and belief, Father Eugene Connolly was a priest employed by Our Lady of the Angelus to serve Catholic families in its geographic jurisdiction, including plaintiff Garrett Tupper and his family. During the time Father Eugene Connolly was employed by Our Lady of the Angelus, he used his position as a priest to groom and to sexually abuse plaintiff Garrett Tupper.

159. To the extent that Our Lady of the Angelus was a different entity, corporation, or organization during the period of time during which Father Connolly used his position as a priest to sexually abuse Garrett, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

160. To the extent Our Lady of the Angelus is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Connolly

used his position as a priest to sexually abuse Garrett, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

161. All such Our Lady of the Angelus-related entities, corporations, or organizations are collectively referred to herein as “Our Lady of the Angelus.”

162. Plaintiff D.K. is an adult female who currently resides in Columbus, Ohio.

163. While she was a minor, plaintiff D.K. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff D.K. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

164. In the alternative, plaintiff D.K. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that her identity is protected from the public while allowing the defendants full access to information necessary for their defense.

165. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served various Catholic institutions and families, including plaintiff D.K. and her family.

166. Upon information and belief, Bernadine Jaworski (“Ms. Jaworski”) was a teacher employed by the Diocese to serve Catholic families, including plaintiff D.K. and her family. During the time Ms. Jaworski was employed by the Diocese, she used her position as a teacher to groom and to sexually abuse plaintiff D.K.

167. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Ms. Jaworski used her position as a teacher to sexually abuse plaintiff D.K., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

168. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Ms. Jaworski used her position as a teacher to sexually abuse plaintiff D.K., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

169. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

170. Upon information and belief, at all relevant times defendant Saints Simon & Jude Church and School (“Saints Simon & Jude”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

171. Upon information and belief, Saints Simon & Jude is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

172. Upon information and belief, at all relevant times Saints Simon & Jude conducted business as “Saints Simon & Jude Church and School,” “Saints Simon & Jude Church,” “Saints Simon Parish,” “Saints Simon & Jude School,” “Saints Simon & Jude,” or “Saints Simon.”

173. Saints Simon & Jude is a parish with a church and school located in Brooklyn, New York.

174. Upon information and belief, Bernadine Jaworski was a teacher employed by Saints Simon & Jude to serve Catholic families in its geographic jurisdiction, including plaintiff D.K. and her family. During the time Bernadine Jaworski was employed by Saints Simon & Jude, she used her position as a teacher to groom and to sexually abuse plaintiff D.K.

175. To the extent that Saints Simon & Jude was a different entity, corporation, or organization during the period of time during which Ms. Jaworski used her position as a teacher

to sexually abuse D.K., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

176. To the extent Saints Simon & Jude is a successor to a different entity, corporation, or organization which existed during the period of time during which Ms. Jaworski used her position as a teacher to sexually abuse D.K., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

177. All such Saints Simon & Jude-related entities, corporations, or organizations are collectively referred to herein as “Saints Simon & Jude.”

178. Plaintiff J.N. is an adult male who currently resides in Bayside, New York.

179. While he was a minor, plaintiff J.N. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff J.N. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

180. In the alternative, plaintiff J.N. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

181. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff J.N. and his family.

182. Upon information and belief, Father Joseph Pugliese (“Father Pugliese”) was a priest employed by the Diocese to serve Catholic families, including plaintiff J.N. and his family. During the time Father Pugliese was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff J.N.

183. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Pugliese used his position as a priest to sexually abuse plaintiff J.N., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

184. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Pugliese used his position as a priest to sexually abuse plaintiff J.N., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

185. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

186. Upon information and belief, at all relevant times defendant St. Bernard of Clairvaux Parish (“St. Bernard”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

187. Upon information and belief, St. Bernard is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

188. Upon information and belief, at all relevant times St. Bernard conducted business as “St. Bernard of Clairvaux Parish,” “St. Bernard Parish,” “St. Bernard of Clairvaux Church and School,” “St. Bernard of Clairvaux Church,” or “St. Bernard of Clairvaux School.”

189. St. Bernard is a parish with a church and school located in Brooklyn, New York.

190. Upon information and belief, Father Joseph Pugliese was a priest employed by St. Bernard to serve Catholic families in its geographic jurisdiction, including plaintiff J.N. and his family. During the time Father Joseph Pugliese was employed by St. Bernard, he used his position as a priest to groom and to sexually abuse plaintiff J.N.

191. To the extent that St. Bernard was a different entity, corporation, or organization during the period of time during which Father Pugliese used his position as a priest to sexually abuse J.N., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

192. To the extent St. Bernard is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Pugliese used his position as a priest to sexually abuse J.N., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

193. All such St. Bernard-related entities, corporations, or organizations are collectively referred to herein as “St. Bernard.”

194. Plaintiff H.C. is an adult male who currently resides in Hollywood, Florida.

195. While he was a minor, plaintiff H.C. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff H.C. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

196. In the alternative, plaintiff H.C. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

197. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff H.C. and his family.

198. Upon information and belief, Father Robert Titone (“Father Titone”) was a priest employed by the Diocese to serve Catholic families, including plaintiff H.C. and his family. During



the time Father Titone was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff H.C.

199. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Titone used his position as a priest to sexually abuse plaintiff H.C., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

200. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Titone used his position as a priest to sexually abuse plaintiff H.C., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

201. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

202. Upon information and belief, at all relevant times defendant St. Anthony’s-St. Alphonsus Parish and School (“St. Anthony’s-St. Alphonsus”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

203. Upon information and belief, St. Anthony’s-St. Alphonsus is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

204. Upon information and belief, at all relevant times St. Anthony’s-St. Alphonsus conducted business as “St. Anthony of Padua-St. Alphonsus Parish and School,” “St. Anthony of Padua-St. Alphonsus Parish,” “St. Anthony of Padua-St. Alphonsus School,” “St. Anthony of Padua,” and/or “St. Alphonsus.”

205. St. Anthony's-St. Alphonsus is a parish with a church and school located in Brooklyn, New York.

206. Upon information and belief, Father Robert Titone was a priest employed by St. Anthony's-St. Alphonsus to serve Catholic families in its geographic jurisdiction, including plaintiff H.C. and his family. During the time Father Robert Titone was employed by St. Anthony's-St. Alphonsus, he used his position as a priest to groom and to sexually abuse plaintiff H.C.

207. To the extent that St. Anthony's-St. Alphonsus was a different entity, corporation, or organization during the period of time during which Father Titone used his position as a priest to sexually abuse H.C., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

208. To the extent St. Anthony's-St. Alphonsus is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Titone used his position as a priest to sexually abuse H.C., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

209. All such St. Anthony's-St. Alphonsus-related entities, corporations, or organizations are collectively referred to herein as "St. Anthony's-St. Alphonsus."

210. Plaintiff S.E. is an adult male who currently resides in Queens, New York.

211. While he was a minor, plaintiff S.E. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff S.E. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

212. In the alternative, plaintiff S.E. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

213. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff S.E. and his family.

214. Upon information and belief, Father Patrick Sexton (“Father Sexton”) was a priest employed by the Diocese to serve Catholic families, including plaintiff S.E. and his family. During the time Father Sexton was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff S.E.

215. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Sexton used his position as a priest to sexually abuse plaintiff S.E., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

216. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Sexton used his position as a priest to sexually abuse plaintiff S.E., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

217. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

218. Upon information and belief, at all relevant times defendant St. Patrick’s Church (“St. Patrick’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

219. Upon information and belief, St. Patrick is currently a not-for-profit religious corporation organized under New York law with its principal office in Long Island City, New York.

220. Upon information and belief, at all relevant times St. Patrick's conducted business as "St. Patrick's Church," "St. Patrick's Parish," "St. Patrick's School," "St. Patrick's Church and School," or "St. Patrick's."

221. St. Patrick's is a parish with a church and school located in Long Island City, New York.

222. Upon information and belief, Father Patrick Sexton was a priest employed by St. Patrick's to serve Catholic families in its geographic jurisdiction, including plaintiff S.E. and his family. During the time Father Patrick Sexton was employed by St. Patrick's, he used his position as a priest to groom and to sexually abuse plaintiff S.E.

223. To the extent that St. Patrick's was a different entity, corporation, or organization during the period of time during which Father Sexton used his position as a priest to sexually abuse S.E., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

224. To the extent St. Patrick's is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Sexton used his position as a priest to sexually abuse S.E., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

225. All such St. Patrick's-related entities, corporations, or organizations are collectively referred to herein as "St. Patrick's."

226. Plaintiff Caroline Borrino is an adult female who currently resides on Staten Island, New York.

227. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others and others who served various Catholic institutions and families, including plaintiff Caroline Borrino and her family.

228. Upon information and belief, Kenneth Pilpel (“Mr. Pilpel”) was a teacher employed by the Diocese to serve and teach Catholic families, including plaintiff Caroline Borrino and her family. During the time Mr. Pilpel was employed by the Diocese, he used his position as a teacher to groom and to sexually abuse plaintiff Caroline Borrino.

229. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Mr. Pilpel used his position as a teacher to sexually abuse plaintiff Caroline Borrino, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

230. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Pilpel used his position as a teacher to sexually abuse plaintiff Caroline Borrino, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

231. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

232. Upon information and belief, at all relevant times defendant Our Lady of Guadalupe Church and School (“Our Lady of Guadalupe”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

233. Upon information and belief, Our Lady of Guadalupe is currently a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

234. Upon information and belief, at all relevant times Our Lady of Guadalupe conducted business as “Our Lady of Guadalupe Catholic Church and School,” “Our Lady of Guadalupe Catholic Church,” “Our Lady of Guadalupe Church,” “Our Lady of Guadalupe School,” or “Our Lady of Guadalupe Catholic Academy.”

235. Our Lady of Guadalupe is a parish with a church and school located in Brooklyn, New York.

236. Upon information and belief, Kenneth Pilpel was a teacher employed by Our Lady of Guadalupe to serve Catholic families in its geographic jurisdiction and at its school, including plaintiff Caroline Borrino and her family. During the time Kenneth Pilpel was employed by Our Lady of Guadalupe, he used his position as a teacher to groom and to sexually abuse plaintiff Caroline Borrino.

237. To the extent that Our Lady of Guadalupe was a different entity, corporation, or organization during the period of time during which Mr. Pilpel used his position as a teacher to sexually abuse Caroline, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

238. To the extent Our Lady of Guadalupe is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Pilpel used his position as a teacher to sexually abuse Caroline, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

239. All such Our Lady of Guadalupe-related entities, corporations, or organizations are collectively referred to herein as “Our Lady of Guadalupe.”

#### **IV. VENUE**

240. Venue is proper because the Diocese is a domestic corporation authorized to transact business in New York with its principal office located in Kings County.

241. Venue is proper because Our Father's House/Our Lady of Victory is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

242. Venue is proper because Kings is the county in which a substantial part of the events or omissions giving rise to each plaintiff's claim occurred.

243. Venue is proper because St. Mary's is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

244. Venue is proper because St. Mary Star of the Sea is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

245. Venue is proper because Saints Simon & Jude is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

246. Venue is proper because Bishop Loughlin is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

247. Venue is proper because plaintiff Dominick Pagano currently resides in Brooklyn, New York.

248. Venue is proper because St. Ephrem is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

249. Venue is proper because St. Bernard is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

250. Venue is proper because St. Anthony's-St. Alphonsus is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

251. Venue is proper because Our Lady of Guadalupe is a domestic corporation authorized to transact business in New York with its principal office located in Brooklyn, New York.

**V. STATEMENT OF FACTS AS TO PLAINTIFF JEFFREY ESKRIDGE**

252. Upon information and belief, at all relevant times the Diocese was the owner of Our Father's House/Our Lady of Victory and held itself out to the public as the owner of Our Father's House/Our Lady of Victory.

253. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Father's House/Our Lady of Victory.

254. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at Our Father's House/Our Lady of Victory, including plaintiff Jeffrey Eskridge.

255. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Father's House/Our Lady of Victory, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Our Father's House/Our Lady of Victory.

256. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Our Father's House/Our Lady of Victory.



257. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Our Father's House/Our Lady of Victory.

258. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Our Father's House/Our Lady of Victory, including the services of Father Nugent and the services of those who managed and supervised Father Nugent.

259. Upon information and belief, at all relevant times Our Father's House/Our Lady of Victory owned a parish, church, school, and men's shelter.

260. Upon information and belief, at all relevant times Our Father's House/Our Lady of Victory held itself out to the public as the owner of Our Father's House/Our Lady of Victory.

261. Upon information and belief, at all relevant times Our Father's House/Our Lady of Victory employed priests and others who served Catholic families, including plaintiff Jeffrey Eskridge.

262. Upon information and belief, at all relevant times Our Father's House/Our Lady of Victory, its agents, servants, and employees managed, maintained, operated, and controlled Our Father's House/Our Lady of Victory, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Our Father's House/Our Lady of Victory.

263. Upon information and belief, at all relevant times Our Father's House/Our Lady of Victory was responsible for and did the staffing and hiring at Our Father's House/Our Lady of Victory.

264. Upon information and belief, at all relevant times Our Father's House/Our Lady of Victory was responsible for and did the recruitment and staffing of volunteers at Our Father's House/Our Lady of Victory.

265. Upon information and belief, at all relevant times Our Father's House/Our Lady of Victory materially benefitted from the operation of Our Father's House/Our Lady of Victory, including the services of Father Nugent and the services of those who managed and supervised Father Nugent.

266. Upon information and belief, at all relevant times Father Nugent was a priest of the Diocese.

267. Upon information and belief, at all relevant times Father Nugent was on the staff of, acted as an agent of, and served as an employee of the Diocese.

268. Upon information and belief, at all relevant times Father Nugent was acting in the course and scope of his employment with the Diocese.

269. Upon information and belief, at all relevant times Father Nugent was employed by the Diocese and assigned to Our Father's House/Our Lady of Victory.

270. Upon information and belief, at all relevant times Father Nugent was a priest of Our Father's House/Our Lady of Victory.

271. Upon information and belief, at all relevant times Father Nugent was on the staff of, was an agent of, and served as an employee of Our Father's House/Our Lady of Victory.

272. Upon information and belief, at all relevant times Father Nugent was acting in the course and scope of his employment with Our Father's House/Our Lady of Victory.

273. Upon information and belief, at all relevant times Father Nugent had an office on the premises of Our Father's House/Our Lady of Victory.

274. When plaintiff Jeffrey Eskridge was a minor, he was a member of the Diocese and Our Lady of Victory Church and School, and he lived at Our Father's House.

275. At all relevant times, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, held Father Nugent out to the public, and to Jeffrey, as their agent and employee.

276. At all relevant times, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, held Father Nugent out to the public, and to Jeffrey, as having been vetted, screened, and approved by those defendants.

277. At all relevant times, Jeffrey reasonably relied upon the acts and representations of the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, and reasonably believed that Father Nugent was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

278. At all relevant times, Jeffrey trusted Father Nugent because the Diocese and Our Father's House/Our Lady of Victory held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Jeffrey.

279. At all relevant times, Jeffrey believed that the Diocese and Our Father's House/Our Lady of Victory would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Jeffrey.

280. When Jeffrey was a minor, Father Nugent sexually abused him.

281. Jeffrey was sexually abused by Father Nugent when Jeffrey was approximately 15 to 16 years old.

282. Based on the representations of the Diocese and Our Father's House/Our Lady of Victory that Father Nugent was safe and trustworthy, Jeffrey allowed himself to be under the supervision of, and in the care, custody, and control of, the Diocese and Our Father's House/Our Lady of Victory, including during the times when Jeffrey was sexually abused by Father Nugent.

283. Based on the representations of the Diocese and Our Father's House/Our Lady of Victory that Father Nugent was safe and trustworthy, Jeffrey allowed himself to be under the supervision of, and in the care, custody, and control of, Father Nugent, including during the times when Jeffrey was sexually abused by Father Nugent.

284. Jeffrey would not have allowed himself to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Father's House/Our Lady of Victory, or Father Nugent if the Diocese or Our Father's House/Our Lady of Victory had disclosed to Jeffrey that Father Nugent was not safe and was not trustworthy, and that he in fact posed a danger to Jeffrey in that Father Nugent was likely to sexually abuse Jeffrey.

285. From on or about 1976 through on or about 1977, Father Nugent exploited the trust and authority vested in him by defendants by grooming Jeffrey to gain his trust and to obtain control over him as part of Father Nugent's plan to sexually molest and abuse Jeffrey and other children.

286. Father Nugent used his position of trust and authority as a priest of the Diocese and of Our Father's House/Our Lady of Victory to groom Jeffrey and to sexually abuse him multiple times, including when Jeffrey was under the supervision of, and in the care, custody, or control of, the Diocese, Our Father's House/Our Lady of Victory, and Father Nugent.

287. At certain times, the sexual abuse of Jeffrey by Father Nugent occurred at Our Father's House/Our Lady of Victory, including at Our Father's House and in the basement of Our Lady of Victory Church.

288. At certain times, Father Nugent's sexual abuse of Jeffrey occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Our

Father's House/Our Lady of Victory, including when they were providing shelter and refuge to vulnerable youth like Jeffrey.

289. Upon information and belief, prior to the times mentioned herein, Father Nugent was a known sexual abuser of children.

290. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Nugent was a known sexual abuser of children.

291. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Nugent's sexual abuse of children would likely result in injury to others, including the sexual abuse of Jeffrey and other children by Father Nugent.

292. Upon information and belief, at certain times, between 1976 and 1977, defendants, their agents, servants, and employees knew or should have known that Father Nugent was sexually abusing Jeffrey and other children at Our Father's House/Our Lady of Victory and elsewhere.

293. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Nugent of Jeffrey was ongoing.

294. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, knew or should have known that Father Nugent was likely to abuse children, including Jeffrey, because Father Nugent would often come to Jeffrey's bed at night, as well as the beds of other youth, while Jeffrey was at Our Father's House/Our Lady of Victory Church. While at Jeffrey's bed, Father Nugent would sexually abuse him by touching him and grinding on his body. Father Nugent so openly abused Jeffrey while visiting his bed and the bed of other children that it seems highly likely that Father Nugent was

sexually abusing other boys who also lived at Our Father's House/Our Lady of Victory Church. Father Nugent's conduct was so open that the defendants either knew or should have known that he was sexually abusing Jeffrey and other children.

295. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, knew or should have known before and during Father Nugent's sexual abuse of Jeffrey that priests and other persons serving the Diocese and Our Father's House/Our Lady of Victory had used their positions with those defendants to groom and to sexually abuse children.

296. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, knew or should have known before and during Father Nugent's sexual abuse of Jeffrey that such priests and other persons could not be "cured" through treatment or counseling.

297. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, concealed the sexual abuse of children by Father Nugent in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Nugent would continue to molest children.

298. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Nugent would use his position with the defendants to sexually abuse children, including Jeffrey.

299. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, disregarded their knowledge that Father Nugent would use his position with them to sexually abuse children, including Jeffrey.

300. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, acted in concert with each other or with Father Nugent to conceal the danger that Father Nugent posed to children, including Jeffrey, so that Father Nugent could continue serving them despite their knowledge of that danger.

301. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Jeffrey, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

302. Upon information and belief, the Diocese and Our Father's House/Our Lady of Victory, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

303. By reason of the wrongful acts of the Diocese and Our Father's House/Our Lady of Victory as detailed herein, Jeffrey sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and

belief, some or all of these injuries are of a permanent and lasting nature, and Jeffrey has and/or will become obligated to expend sums of money for treatment.

**VI. STATEMENT OF FACTS AS TO PLAINTIFF SEAN COURTNEY**

304. Upon information and belief, at all relevant times the Diocese was the owner of Our Lady of Grace and held itself out to the public as the owner of Our Lady of Grace.

305. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Grace.

306. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at Our Lady of Grace, including plaintiff Sean Courtney and his family.

307. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Grace, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Our Lady of Grace.

308. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Our Lady of Grace.

309. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Our Lady of Grace.

310. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Our Lady of Grace, including the services of Father Evans and the services of those who managed and supervised Father Evans.

311. Upon information and belief, at all relevant times Our Lady of Grace owned a parish, church, and school.



312. Upon information and belief, at all relevant times Our Lady of Grace held itself out to the public as the owner of Our Lady of Grace.

313. Upon information and belief, at all relevant times Our Lady of Grace employed priests and others who served Catholic families, including plaintiff Sean Courtney and his family.

314. Upon information and belief, at all relevant times Our Lady of Grace, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Grace, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Our Lady of Grace.

315. Upon information and belief, at all relevant times Our Lady of Grace was responsible for and did the staffing and hiring at Our Lady of Grace.

316. Upon information and belief, at all relevant times Our Lady of Grace was responsible for and did the recruitment and staffing of volunteers at Our Lady of Grace.

317. Upon information and belief, at all relevant times Our Lady of Grace materially benefitted from the operation of Our Lady of Grace, including the services of Father Evans and the services of those who managed and supervised Father Evans.

318. Upon information and belief, at all relevant times Father Evans was a priest of the Diocese.

319. Upon information and belief, at all relevant times Father Evans was on the staff of, acted as an agent of, and served as an employee of the Diocese.

320. Upon information and belief, at all relevant times Father Evans was acting in the course and scope of his employment with the Diocese.

321. Upon information and belief, at all relevant times Father Evans was employed by the Diocese and assigned to Our Lady of Grace.

322. Upon information and belief, at all relevant times Father Evans was a priest of Our Lady of Grace.

323. Upon information and belief, at all relevant times Father Evans was on the staff of, was an agent of, and served as an employee of Our Lady of Grace.

324. Upon information and belief, at all relevant times Father Evans was acting in the course and scope of his employment with Our Lady of Grace.

325. Upon information and belief, at all relevant times Father Evans had an office on the premises of Our Lady of Grace.

326. When plaintiff Sean Courtney was a minor, he and his parents were members of the Diocese and Our Lady of Grace, and plaintiff Sean Courtney was a member of the school and an altar boy.

327. At all relevant times, the Diocese and Our Lady of Grace, their agents, servants, and employees, held Father Evans out to the public, to Sean, and to his parents, as their agent and employee.

328. At all relevant times, the Diocese and Our Lady of Grace, their agents, servants, and employees, held Father Evans out to the public, to Sean, and to his parents, as having been vetted, screened, and approved by those defendants.

329. At all relevant times, Sean and his parents reasonably relied upon the acts and representations of the Diocese and Our Lady of Grace, their agents, servants, and employees, and reasonably believed that Father Evans was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

330. At all relevant times, Sean and his parents trusted Father Evans because the Diocese and Our Lady of Grace held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Sean.

331. At all relevant times, Sean and his parents believed that the Diocese and Our Lady of Grace would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Sean.

332. When Sean was a minor, Father Evans sexually abused him.

333. Sean was sexually abused by Father Evans when Sean was approximately 8 to 12 years old.

334. Based on the representations of the Diocese and Our Lady of Grace that Father Evans was safe and trustworthy, Sean and his parents allowed Sean to be under the supervision of, and in the care, custody, and control of, the Diocese and Our Lady of Grace, including during the times when Sean was sexually abused by Father Evans.

335. Based on the representations of the Diocese and Our Lady of Grace that Father Evans was safe and trustworthy, Sean and his parents allowed Sean to be under the supervision of, and in the care, custody, and control of, Father Evans, including during the times when Sean was sexually abused by Father Evans.

336. Neither Sean nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Lady of Grace, or Father Evans if the Diocese or Our Lady of Grace had disclosed to Sean or his parents that Father Evans was not safe and was not trustworthy, and that he in fact posed a danger to Sean in that Father Evans was likely to sexually abuse Sean.

337. No parent of ordinary prudence in comparable circumstances would have allowed Sean to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Lady of Grace, or Father Evans if the Diocese or Our Lady of Grace had disclosed to Sean or his parents that Father Evans was not safe and was not trustworthy, and that he in fact posed a danger to Sean in that Father Evans was likely to sexually abuse him.

338. From approximately 1980 through 1984, Father Evans exploited the trust and authority vested in him by defendants by grooming Sean to gain his trust and to obtain control over him as part of Father Evans's plan to sexually molest and abuse Sean and other children.

339. Father Evans used his position of trust and authority as a priest of the Diocese and of Our Lady of Grace to groom Sean and to sexually abuse him multiple times, including when Sean was under the supervision of, and in the care, custody, or control of, the Diocese, Our Lady of Grace, and Father Evans.

340. At certain times, the sexual abuse of Sean by Father Evans occurred at Our Lady of Grace, including at the church.

341. At certain times, Father Evans's sexual abuse of Sean occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Our Lady of Grace, including during altar boy services.

342. Upon information and belief, prior to the times mentioned herein, Father Evans was a known sexual abuser of children.

343. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Evans was a known sexual abuser of children.

344. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Evans's sexual abuse of children would likely result in injury to others, including the sexual abuse of Sean and other children by Father Evans.

345. Upon information and belief, at certain times, between 1980 and 1984, defendants, their agents, servants, and employees knew or should have known that Father Evans was sexually abusing Sean and other children at Our Lady of Grace and elsewhere.

346. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Evans of Sean was ongoing.

347. Upon information and belief, the Diocese and Our Lady of Grace, their agents, servants, and employees, knew or should have known before and during Father Evans's sexual abuse of Sean that priests and other persons serving the Diocese and Our Lady of Grace had used their positions with those defendants to groom and to sexually abuse children.

348. Upon information and belief, the Diocese and Our Lady of Grace, their agents, servants, and employees, knew or should have known before and during Father Evans's sexual abuse of Sean that such priests and other persons could not be "cured" through treatment or counseling.

349. Upon information and belief, the Diocese and Our Lady of Grace, their agents, servants, and employees, concealed the sexual abuse of children by Father Evans in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Evans would continue to molest children.

350. Upon information and belief, the Diocese and Our Lady of Grace, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Evans would use his position with the defendants to sexually abuse children, including Sean.

351. Upon information and belief, the Diocese and Our Lady of Grace, their agents, servants, and employees, disregarded their knowledge that Father Evans would use his position with them to sexually abuse children, including Sean.

352. Upon information and belief, the Diocese and Our Lady of Grace, their agents, servants, and employees, acted in concert with each other or with Father Evans to conceal the danger that Father Evans posed to children, including Sean, so that Father Evans could continue serving them despite their knowledge of that danger.

353. Upon information and belief, the Diocese and Our Lady of Grace, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Sean, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

354. Upon information and belief, the Diocese and Our Lady of Grace, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

355. By reason of the wrongful acts of the Diocese and Our Lady of Grace as detailed herein, Sean sustained physical and psychological injuries, including but not limited to, severe

emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Sean has and/or will become obligated to expend sums of money for treatment.

## **VII. STATEMENT OF FACTS AS TO PLAINTIFF JAMES FORGIONE**

356. Upon information and belief, at all relevant times the Diocese was the owner of St. Mary's and held itself out to the public as the owner of St. Mary's.

357. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's.

358. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Mary's, including plaintiff James Forgione and his family.

359. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Mary's.

360. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Mary's.

361. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Mary's.

362. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Mary's, including the services of Father McElroy and the services of those who managed and supervised Father McElroy.

363. Upon information and belief, at all relevant times St. Mary's owned a parish, church, and school.

364. Upon information and belief, at all relevant times St. Mary's held itself out to the public as the owner of St. Mary's.

365. Upon information and belief, at all relevant times St. Mary's employed priests and others who served Catholic families, including plaintiff James Forgione and his family.

366. Upon information and belief, at all relevant times St. Mary's, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Mary's.

367. Upon information and belief, at all relevant times St. Mary's was responsible for and did the staffing and hiring at St. Mary's.

368. Upon information and belief, at all relevant times St. Mary's was responsible for and did the recruitment and staffing of volunteers at St. Mary's.

369. Upon information and belief, at all relevant times St. Mary's materially benefitted from the operation of St. Mary's, including the services of Father McElroy and the services of those who managed and supervised Father McElroy.

370. Upon information and belief, at all relevant times Father McElroy was a priest of the Diocese.

371. Upon information and belief, at all relevant times Father McElroy was on the staff of, acted as an agent of, and served as an employee of the Diocese.

372. Upon information and belief, at all relevant times Father McElroy was acting in the course and scope of his employment with the Diocese.



373. Upon information and belief, at all relevant times Father McElroy was employed by the Diocese and assigned to St. Mary's.

374. Upon information and belief, at all relevant times Father McElroy was a priest of St. Mary's.

375. Upon information and belief, at all relevant times Father McElroy was on the staff of, was an agent of, and served as an employee of St. Mary's.

376. Upon information and belief, at all relevant times Father McElroy was acting in the course and scope of his employment with St. Mary's.

377. Upon information and belief, at all relevant times Father McElroy had an office on the premises of St. Mary's.

378. When plaintiff James Forgione was a minor, he and his parents were members of the Diocese and St. Mary's.

379. At all relevant times, the Diocese and St. Mary's, their agents, servants, and employees, held Father McElroy out to the public, to James, and to his parents, as their agent and employee.

380. At all relevant times, the Diocese and St. Mary's, their agents, servants, and employees, held Father McElroy out to the public, to James, and to his parents, as having been vetted, screened, and approved by those defendants.

381. At all relevant times, James and his parents reasonably relied upon the acts and representations of the Diocese and St. Mary's, their agents, servants, and employees, and reasonably believed that Father McElroy was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

382. At all relevant times, James and his parents trusted Father McElroy because the Diocese and St. Mary's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of James.

383. At all relevant times, James and his parents believed that the Diocese and St. Mary's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of James.

384. When James was a minor, Father McElroy sexually abused him.

385. James was sexually abused by Father McElroy when James was approximately 12 to 14 years old.

386. Based on the representations of the Diocese and St. Mary's that Father McElroy was safe and trustworthy, James and his parents allowed James to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Mary's, including during the times when James was sexually abused by Father McElroy.

387. Based on the representations of the Diocese and St. Mary's that Father McElroy was safe and trustworthy, James and his parents allowed James to be under the supervision of, and in the care, custody, and control of, Father McElroy, including during the times when James was sexually abused by Father McElroy.

388. Neither James nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary's, or Father McElroy if the Diocese or St. Mary's had disclosed to James or his parents that Father McElroy was not safe and was not trustworthy, and that he in fact posed a danger to James in that Father McElroy was likely to sexually abuse James.

389. No parent of ordinary prudence in comparable circumstances would have allowed James to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary's, or Father McElroy if the Diocese or St. Mary's had disclosed to James or his parents that Father McElroy was not safe and was not trustworthy, and that he in fact posed a danger to James in that Father McElroy was likely to sexually abuse him.

390. From approximately 1959 through 1961, Father McElroy exploited the trust and authority vested in him by defendants by grooming James to gain his trust and to obtain control over him as part of Father McElroy's plan to sexually molest and abuse James and other children.

391. Father McElroy used his position of trust and authority as a priest of the Diocese and of St. Mary's to groom James and to sexually abuse him multiple times, including when James was under the supervision of, and in the care, custody, or control of, the Diocese, St. Mary's, and Father McElroy.

392. The sexual abuse of James by Father McElroy occurred at St. Mary's, including in the church rectory.

393. Upon information and belief, prior to the times mentioned herein, Father McElroy was a known sexual abuser of children.

394. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father McElroy was a known sexual abuser of children.

395. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father McElroy's sexual abuse of children would likely result in injury to others, including the sexual abuse of James and other children by Father McElroy.

396. Upon information and belief, at certain times, between 1959 and 1961, defendants, their agents, servants, and employees knew or should have known that Father McElroy was sexually abusing James and other children at St. Mary's and elsewhere.

397. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father McElroy of James was ongoing.

398. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known that Father McElroy was likely to abuse children, including James, because there were rumors among the boys at the parish that something was not right with Father McElroy and Father McElroy was suddenly transferred out of the parish.

399. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known before and during Father McElroy's sexual abuse of James that priests and other persons serving the Diocese and St. Mary's had used their positions with those defendants to groom and to sexually abuse children.

400. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known before and during Father McElroy's sexual abuse of James that such priests and other persons could not be "cured" through treatment or counseling.

401. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, concealed the sexual abuse of children by Father McElroy in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father McElroy would continue to molest children.

402. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father McElroy would use his position with the defendants to sexually abuse children, including James.

403. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, disregarded their knowledge that Father McElroy would use his position with them to sexually abuse children, including James.

404. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, acted in concert with each other or with Father McElroy to conceal the danger that Father McElroy posed to children, including James, so that Father McElroy could continue serving them despite their knowledge of that danger.

405. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including James, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

406. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

407. By reason of the wrongful acts of the Diocese and St. Mary's as detailed herein, James sustained physical and psychological injuries, including but not limited to, severe emotional

and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and James has and/or will become obligated to expend sums of money for treatment.

### **VIII. STATEMENT OF FACTS AS TO PLAINTIFF P.B.**

408. Upon information and belief, at all relevant times the Diocese was the owner of TMLA and held itself out to the public as the owner of TMLA.

409. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled TMLA, including its school administrators and teachers.

410. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and others who served Catholic families at TMLA, including plaintiff P.B. and her family.

411. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled TMLA, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled TMLA, including its school administrators and teachers.

412. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at TMLA, including its school administrators and teachers.

413. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at TMLA, including its school administrators and teachers.

414. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of TMLA, including the services of Sister Noel Marie and the services of those who managed and supervised Sister Noel Marie.

415. Upon information and belief, at all relevant times TMLA owned a school.

416. Upon information and belief, at all relevant times TMLA held itself out to the public as the owner of TMLA.

417. Upon information and belief, at all relevant times TMLA employed priests, school administrators, teachers, religious sisters, and others who served Catholic families, including plaintiff P.B. and her family.

418. Upon information and belief, at all relevant times TMLA, its agents, servants, and employees managed, maintained, operated, and controlled TMLA, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled TMLA, including its school administrators and teachers.

419. Upon information and belief, at all relevant times TMLA was responsible for and did the staffing and hiring at TMLA, including its school administrators and teachers.

420. Upon information and belief, at all relevant times TMLA was responsible for and did the recruitment and staffing of volunteers at TMLA, including its school administrators and teachers.

421. Upon information and belief, at all relevant times TMLA materially benefitted from the operation of TMLA, including the services of Sister Noel Marie and the services of those who managed and supervised Sister Noel Marie.

422. Upon information and belief, at all relevant times Sister Noel Marie was a nun and teacher of the Diocese.

423. Upon information and belief, at all relevant times Sister Noel Marie was on the staff of, acted as an agent of, and served as an employee of the Diocese.

424. Upon information and belief, at all relevant times Sister Noel Marie was acting in the course and scope of her employment with the Diocese.

425. Upon information and belief, at all relevant times Sister Noel Marie was employed by the Diocese and assigned to TMLA.

426. Upon information and belief, at all relevant times Sister Noel Marie was a nun and teacher of TMLA.

427. Upon information and belief, at all relevant times Sister Noel Marie was on the staff of, was an agent of, and served as an employee of TMLA.

428. Upon information and belief, at all relevant times Sister Noel Marie was acting in the course and scope of her employment with TMLA.

429. Upon information and belief, at all relevant times Sister Noel Marie had an office on the premises of TMLA and has access to its other offices, rooms, and grounds.

430. When plaintiff P.B. was a minor, she and her parents were members of the Diocese and TMLA, and P.B. was a student of TMLA.

431. At all relevant times, the Diocese and TMLA, their agents, servants, and employees, held Sister Noel Marie out to the public, to P.B., and to her parents, as their agent and employee.

432. At all relevant times, the Diocese and TMLA, their agents, servants, and employees, held Sister Noel Marie out to the public, to P.B., and to her parents, as having been vetted, screened, and approved by those defendants.

433. At all relevant times, P.B. and her parents reasonably relied upon the acts and representations of the Diocese and TMLA, their agents, servants, and employees, and reasonably



believed that Sister Noel Marie was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

434. At all relevant times, P.B. and her parents trusted Sister Noel Marie because the Diocese and TMLA held her out as someone who was safe and could be trusted with the supervision, care, custody, and control of P.B.

435. At all relevant times, P.B. and her parents believed that the Diocese and TMLA would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of P.B.

436. When P.B. was a minor, Sister Noel Marie sexually abused her.

437. P.B. was sexually abused by Sister Noel Marie when P.B. was approximately 14 to 15 years old.

438. Based on the representations of the Diocese and TMLA that Sister Noel Marie was safe and trustworthy, P.B. and her parents allowed P.B. to be under the supervision of, and in the care, custody, and control of, the Diocese and TMLA, including during the times when P.B. was sexually abused by Sister Noel Marie.

439. Based on the representations of the Diocese and TMLA that Sister Noel Marie was safe and trustworthy, P.B. and her parents allowed P.B. to be under the supervision of, and in the care, custody, and control of, Sister Noel Marie, including during the times when P.B. was sexually abused by Sister Noel Marie.

440. Neither P.B. nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, TMLA, or Sister Noel Marie if the Diocese or TMLA had disclosed to P.B. or her parents that Sister Noel Marie was not safe and was not

trustworthy, and that she in fact posed a danger to P.B. in that Sister Noel Marie was likely to sexually abuse P.B.

441. No parent of ordinary prudence in comparable circumstances would have allowed P.B. to be under the supervision of, or in the care, custody, or control of, the Diocese, TMLA, or Sister Noel Marie if the Diocese or TMLA had disclosed to P.B. or her parents that Sister Noel Marie was not safe and was not trustworthy, and that she in fact posed a danger to P.B. in that Sister Noel Marie was likely to sexually abuse her.

442. From approximately 1968 through 1969, Sister Noel Marie exploited the trust and authority vested in her by defendants by grooming P.B. to gain her trust and to obtain control over her as part of Sister Noel Marie's plan to sexually molest and abuse P.B. and other children.

443. Sister Noel Marie used her position of trust and authority as a nun and teacher of the Diocese and of TMLA to groom P.B. and to sexually abuse her multiple times, including when P.B. was under the supervision of, and in the care, custody, or control of, the Diocese, TMLA, and Sister Noel Marie.

444. The sexual abuse of P.B. by Sister Noel Marie occurred on the school grounds of TMLA.

445. Upon information and belief, prior to the times mentioned herein, Sister Noel Marie was a known sexual abuser of children.

446. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Sister Noel Marie was a known sexual abuser of children.

447. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Sister Noel Marie's sexual abuse of children

would likely result in injury to others, including the sexual abuse of P.B. and other children by Sister Noel Marie.

448. Upon information and belief, at certain times, between 1968 and 1969, defendants, their agents, servants, and employees knew or should have known that Sister Noel Marie was sexually abusing P.B. and other children at TMLA and elsewhere.

449. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Sister Noel Marie of P.B. was ongoing.

450. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, knew or should have known that Sister Noel Marie was likely to abuse children, including P.B., because Sister Noel Marie had a reputation for acting inappropriately with her students.

451. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, knew or should have known before and during Sister Noel Marie's sexual abuse of P.B. that priests, school administrators, teachers, religious sisters, and other persons serving the Diocese and TMLA had used their positions with those defendants to groom and to sexually abuse children.

452. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, knew or should have known before and during Sister Noel Marie's sexual abuse of P.B. that such priests, school administrators, teachers, religious sisters, and other persons could not be "cured" through treatment or counseling.

453. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, concealed the sexual abuse of children by Sister Noel Marie in order to conceal their own bad acts in failing to protect children from her, to protect their reputation, and to prevent

victims of such sexual abuse by her from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Sister Noel Marie would continue to molest children.

454. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Sister Noel Marie would use her position with the defendants to sexually abuse children, including P.B.

455. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, disregarded their knowledge that Sister Noel Marie would use her position with them to sexually abuse children, including P.B.

456. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, acted in concert with each other or with Sister Noel Marie to conceal the danger that Sister Noel Marie posed to children, including P.B., so that Sister Noel Marie could continue serving them despite their knowledge of that danger.

457. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including P.B., and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

458. Upon information and belief, the Diocese and TMLA, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the

CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and other persons would continue to molest children.

459. By reason of the wrongful acts of the Diocese and TMLA as detailed herein, P.B. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and P.B. has and/or will become obligated to expend sums of money for treatment.

#### **IX. STATEMENT OF FACTS AS TO PLAINTIFF JOHN SCOTTO**

460. Upon information and belief, at all relevant times the Diocese was the owner of St. Mary Star of the Sea and held itself out to the public as the owner of St. Mary Star of the Sea.

461. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary Star of the Sea, including its school administrators and teachers.

462. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served Catholic families at St. Mary Star of the Sea, including plaintiff John Scotto and his family.

463. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary Star of the Sea, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Mary Star of the Sea, including its school administrators and teachers.

464. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Mary Star of the Sea, including its school administrators and teachers.

465. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Mary Star of the Sea, including its school administrators and teachers.

466. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Mary Star of the Sea, including the services of Mr. Luttenburger and the services of those who managed and supervised Mr. Luttenburger.

467. Upon information and belief, at all relevant times St. Mary Star of the Sea owned a parish, church, and school.

468. Upon information and belief, at all relevant times St. Mary Star of the Sea held itself out to the public as the owner of St. Mary Star of the Sea.

469. Upon information and belief, at all relevant times St. Mary Star of the Sea employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff John Scotto and his family.

470. Upon information and belief, at all relevant times St. Mary Star of the Sea, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary Star of the Sea, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Mary Star of the Sea, including its school administrators and teachers.

471. Upon information and belief, at all relevant times St. Mary Star of the Sea was responsible for and did the staffing and hiring at St. Mary Star of the Sea, including its school administrators and teachers.

472. Upon information and belief, at all relevant times St. Mary Star of the Sea was responsible for and did the recruitment and staffing of volunteers at St. Mary Star of the Sea, including its school administrators and teachers.

473. Upon information and belief, at all relevant times St. Mary Star of the Sea materially benefitted from the operation of St. Mary Star of the Sea, including the services of Mr. Luttenburger and the services of those who managed and supervised Mr. Luttenburger.

474. Upon information and belief, at all relevant times Mr. Luttenburger was a teacher of the Diocese.

475. Upon information and belief, at all relevant times Mr. Luttenburger was on the staff of, acted as an agent of, and served as an employee of the Diocese, including as a teacher.

476. Upon information and belief, at all relevant times Mr. Luttenburger was acting in the course and scope of his employment with the Diocese.

477. Upon information and belief, at all relevant times Mr. Luttenburger was employed by the Diocese and assigned to St. Mary Star of the Sea.

478. Upon information and belief, at all relevant times Mr. Luttenburger was a teacher of St. Mary Star of the Sea.

479. Upon information and belief, at all relevant times Mr. Luttenburger was on the staff of, was an agent of, and served as an employee of St. Mary Star of the Sea.

480. Upon information and belief, at all relevant times Mr. Luttenburger was acting in the course and scope of his employment with St. Mary Star of the Sea.

481. Upon information and belief, at all relevant times Mr. Luttenburger had an office on the premises of St. Mary Star of the Sea and had access to its other offices, rooms, and areas.

482. When plaintiff John Scotto was a minor, he and his parents were members of the Diocese and St. Mary Star of the Sea, and John was a student of St. Mary Star of the Sea.

483. At all relevant times, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, held Mr. Luttenburger out to the public, to John, and to his parents, as their agent and employee.

484. At all relevant times, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, held Mr. Luttenburger out to the public, to John, and to his parents, as having been vetted, screened, and approved by those defendants.

485. At all relevant times, John and his parents reasonably relied upon the acts and representations of the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, and reasonably believed that Mr. Luttenburger was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

486. At all relevant times, John and his parents trusted Mr. Luttenburger because the Diocese and St. Mary Star of the Sea held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of John.

487. At all relevant times, John and his parents believed that the Diocese and St. Mary Star of the Sea would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of John.

488. When John was a minor, Mr. Luttenburger sexually abused him.

489. John was sexually abused by Mr. Luttenburger when John was approximately 8 to 10 years old.



490. Based on the representations of the Diocese and St. Mary Star of the Sea that Mr. Luttenburger was safe and trustworthy, John and his parents allowed John to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Mary Star of the Sea, including during the times when John was sexually abused by Mr. Luttenburger.

491. Based on the representations of the Diocese and St. Mary Star of the Sea that Mr. Luttenburger was safe and trustworthy, John and his parents allowed John to be under the supervision of, and in the care, custody, and control of, Mr. Luttenburger, including during the times when John was sexually abused by Mr. Luttenburger.

492. Neither John nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary Star of the Sea, or Mr. Luttenburger if the Diocese or St. Mary Star of the Sea had disclosed to John or his parents that Mr. Luttenburger was not safe and was not trustworthy, and that he in fact posed a danger to John in that Mr. Luttenburger was likely to sexually abuse John.

493. No parent of ordinary prudence in comparable circumstances would have allowed John to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary Star of the Sea, or Mr. Luttenburger if the Diocese or St. Mary Star of the Sea had disclosed to John or his parents that Mr. Luttenburger was not safe and was not trustworthy, and that he in fact posed a danger to John in that Mr. Luttenburger was likely to sexually abuse him.

494. From approximately 1970 through 1972, Mr. Luttenburger exploited the trust and authority vested in him by defendants by grooming John to gain his trust and to obtain control over him as part of Mr. Luttenburger's plan to sexually molest and abuse John and other children.

495. Mr. Luttenburger used his position of trust and authority as a teacher of the Diocese and of St. Mary Star of the Sea to groom John and to sexually abuse him multiple times, including

when John was under the supervision of, and in the care, custody, or control of, the Diocese, St. Mary Star of the Sea, and Mr. Luttenburger.

496. At certain times, the sexual abuse of John by Mr. Luttenburger occurred at St. Mary Star of the Sea, including in the classroom that the defendants entrusted to Mr. Luttenburger.

497. At certain times, Mr. Luttenburger's sexual abuse of John occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Mary Star of the Sea, including Mr. Luttenburger's class at St. Mary Star of the Sea.

498. Upon information and belief, prior to the times mentioned herein, Mr. Luttenburger was a known sexual abuser of children.

499. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Mr. Luttenburger was a known sexual abuser of children.

500. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Mr. Luttenburger's sexual abuse of children would likely result in injury to others, including the sexual abuse of John and other children by Mr. Luttenburger.

501. Upon information and belief, at certain times, between 1970 and 1972, defendants, their agents, servants, and employees knew or should have known that Mr. Luttenburger was sexually abusing John and other children at St. Mary Star of the Sea and elsewhere.

502. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Mr. Luttenburger of John was ongoing.

503. Upon information and belief, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, knew or should have known before and during Mr. Luttenburger's sexual

abuse of John that priests, school administrators, teachers, and other persons serving the Diocese and St. Mary Star of the Sea had used their positions with those defendants to groom and to sexually abuse children.

504. Upon information and belief, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, knew or should have known before and during Mr. Luttenburger's sexual abuse of John that such priests, school administrators, teachers, and other persons could not be "cured" through treatment or counseling.

505. Upon information and belief, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, concealed the sexual abuse of children by Mr. Luttenburger in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Mr. Luttenburger would continue to molest children.

506. Upon information and belief, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Mr. Luttenburger would use his position with the defendants to sexually abuse children, including John.

507. Upon information and belief, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, disregarded their knowledge that Mr. Luttenburger would use his position with them to sexually abuse children, including John.

508. Upon information and belief, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, acted in concert with each other or with Mr. Luttenburger to conceal the

danger that Mr. Luttenburger posed to children, including John, so that Mr. Luttenburger could continue serving them despite their knowledge of that danger.

509. Upon information and belief, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including John, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

510. Upon information and belief, the Diocese and St. Mary Star of the Sea, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, and other persons would continue to molest children.

511. By reason of the wrongful acts of the Diocese and St. Mary Star of the Sea as detailed herein, John sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and John has and/or will become obligated to expend sums of money for treatment.

#### **X. STATEMENT OF FACTS AS TO PLAINTIFF EDWARD PITRE**

512. Upon information and belief, at all relevant times the Diocese was the owner of St. John's and held itself out to the public as the owner of St. John's.

513. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. John's, including its school administrators and teachers.

514. Upon information and belief, at all relevant times the Diocese employed priests, teachers, school administrators, and others who served Catholic families at St. John's, including plaintiff Edward Pitre.

515. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. John's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. John's, including its school administrators and teachers.

516. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. John's, including its school administrators and teachers.

517. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. John's, including its school administrators and teachers.

518. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. John's, including the services of Mr. Proce and the services of those who managed and supervised Mr. Proce.

519. Upon information and belief, at all relevant times St. John's owned a school and home for youth.

520. Upon information and belief, at all relevant times St. John's held itself out to the public as the owner of St. John's.

521. Upon information and belief, at all relevant times St. John's employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff Edward Pitre.

522. Upon information and belief, at all relevant times St. John's, its agents, servants, and employees managed, maintained, operated, and controlled St. John's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. John's, , including its school administrators and teachers.

523. Upon information and belief, at all relevant times St. John's was responsible for and did the staffing and hiring at St. John's, including its school administrators and teachers.

524. Upon information and belief, at all relevant times St. John's was responsible for and did the recruitment and staffing of volunteers at St. John's, including its school administrators and teachers.

525. Upon information and belief, at all relevant times St. John's materially benefitted from the operation of St. John's, including the services of Mr. Proce and the services of those who managed and supervised Mr. Proce.

526. Upon information and belief, at all relevant times Mr. Proce was a guidance counselor of the Diocese.

527. Upon information and belief, at all relevant times Mr. Proce was on the staff of, acted as an agent of, and served as an employee of the Diocese.

528. Upon information and belief, at all relevant times Mr. Proce was acting in the course and scope of his employment with the Diocese.

529. Upon information and belief, at all relevant times Mr. Proce was employed by the Diocese and assigned to St. John's.

530. Upon information and belief, at all relevant times Mr. Proce was a guidance counselor of St. John's.

531. Upon information and belief, at all relevant times Mr. Proce was on the staff of, was an agent of, and served as an employee of St. John's.

532. Upon information and belief, at all relevant times Mr. Proce was acting in the course and scope of his employment with St. John's.

533. Upon information and belief, at all relevant times Mr. Proce had an office at St. John's and had access to the other offices, rooms, and areas of St. John's.

534. When plaintiff Edward Pitre was a minor, he was a member of the Diocese and St. John's, including a student and resident of St. John's.

535. At all relevant times, the Diocese and St. John's, their agents, servants, and employees, held Mr. Proce out to the public, and to Edward, as their agent and employee, including as their guidance counselor.

536. At all relevant times, the Diocese and St. John's, their agents, servants, and employees, held Mr. Proce out to the public, and to Edward, as having been vetted, screened, and approved by those defendants.

537. At all relevant times, Edward reasonably relied upon the acts and representations of the Diocese and St. John's, their agents, servants, and employees, and reasonably believed that Mr. Proce was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

538. At all relevant times, Edward trusted Mr. Proce because the Diocese and St. John's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Edward.

539. At all relevant times, Edward believed that the Diocese and St. John's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Edward.

540. When Edward was a minor, Mr. Proce sexually abused him.

541. Edward was sexually abused by Mr. Proce when Edward was approximately 14 to 15 years old.

542. Based on the representations of the Diocese and St. John's that Mr. Proce was safe and trustworthy, Edward allowed himself to be under the supervision of, and in the care, custody, and control of, the Diocese and St. John's, including during the times when Edward was sexually abused by Mr. Proce.

543. Based on the representations of the Diocese and St. John's that Mr. Proce was safe and trustworthy, Edward allowed himself to be under the supervision of, and in the care, custody, and control of, Mr. Proce, including during the times when Edward was sexually abused by Mr. Proce.

544. Edward would not have allowed himself to be under the supervision of, or in the care, custody, or control of, the Diocese, St. John's, or Mr. Proce if the Diocese or St. John's had disclosed to Edward that Mr. Proce was not safe and was not trustworthy, and that he in fact posed a danger to Edward in that Mr. Proce was likely to sexually abuse Edward.

545. From approximately 1970 through 1971, Mr. Proce exploited the trust and authority vested in him by defendants by grooming Edward to gain his trust and to obtain control over him as part of Mr. Proce's plan to sexually molest and abuse Edward and other children.

546. Mr. Proce used his position of trust and authority as a guidance counselor of the Diocese and of St. John's to groom Edward and to sexually abuse him multiple times, including



when Edward was under the supervision of, and in the care, custody, or control of, the Diocese, St. John's, and Mr. Proce.

547. At certain times, the sexual abuse of Edward by Mr. Proce occurred at St. John's, including on the grounds of St. John's.

548. Upon information and belief, prior to the times mentioned herein, Mr. Proce was a known sexual abuser of children.

549. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Mr. Proce was a known sexual abuser of children.

550. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Mr. Proce's sexual abuse of children would likely result in injury to others, including the sexual abuse of Edward and other children by Mr. Proce.

551. Upon information and belief, at certain times, between 1970 and 1971, defendants, their agents, servants, and employees knew or should have known that Mr. Proce was sexually abusing Edward and other children at St. John's and elsewhere.

552. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Mr. Proce of Edward was ongoing.

553. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known that Mr. Proce was likely to abuse children, including Edward, because Mr. Proce would grab boys by their genitals in the presence of others, including others who worked for the defendants.

554. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known before and during Mr. Proce's sexual abuse of Edward that priests, school administrators, teachers, and other persons serving the Diocese and St. John's had used their positions with those defendants to groom and to sexually abuse children.

555. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known before and during Mr. Proce's sexual abuse of Edward that such priests, school administrators, teachers, and other persons could not be "cured" through treatment or counseling.

556. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, concealed the sexual abuse of children by Mr. Proce in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Mr. Proce would continue to molest children.

557. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Mr. Proce would use his position with the defendants to sexually abuse children, including Edward.

558. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, disregarded their knowledge that Mr. Proce would use his position with them to sexually abuse children, including Edward.

559. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, acted in concert with each other or with Mr. Proce to conceal the danger that Mr. Proce

posed to children, including Edward, so that Mr. Proce could continue serving them despite their knowledge of that danger.

560. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Edward, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

561. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, and other persons would continue to molest children.

562. By reason of the wrongful acts of the Diocese and St. John's as detailed herein, Edward sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Edward has and/or will become obligated to expend sums of money for treatment.

#### **XI. STATEMENT OF FACTS AS TO PLAINTIFF GEORGE PITRE**

563. Upon information and belief, at all relevant times the Diocese was the owner of St. John's and held itself out to the public as the owner of St. John's.

564. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. John's, including its school administrators and teachers.

565. Upon information and belief, at all relevant times the Diocese employed priests, teachers, school administrators, and others who served Catholic families at St. John's, including plaintiff George Pitre.

566. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. John's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. John's, including its school administrators and teachers.

567. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. John's, including its school administrators and teachers.

568. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. John's, including its school administrators and teachers.

569. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. John's, including the services of Mr. Proce and the services of those who managed and supervised Mr. Proce.

570. Upon information and belief, at all relevant times St. John's owned a school and home for youth.

571. Upon information and belief, at all relevant times St. John's held itself out to the public as the owner of St. John's.

572. Upon information and belief, at all relevant times St. John's employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff George Pitre.

573. Upon information and belief, at all relevant times St. John's, its agents, servants, and employees managed, maintained, operated, and controlled St. John's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. John's, including its school administrators and teachers.

574. Upon information and belief, at all relevant times St. John's was responsible for and did the staffing and hiring at St. John's, including its school administrators and teachers.

575. Upon information and belief, at all relevant times St. John's was responsible for and did the recruitment and staffing of volunteers at St. John's, including its school administrators and teachers.

576. Upon information and belief, at all relevant times St. John's materially benefitted from the operation of St. John's, including the services of Mr. Proce and the services of those who managed and supervised Mr. Proce.

577. Upon information and belief, at all relevant times Mr. Proce was a guidance counselor of the Diocese.

578. Upon information and belief, at all relevant times Mr. Proce was on the staff of, acted as an agent of, and served as an employee of the Diocese.

579. Upon information and belief, at all relevant times Mr. Proce was acting in the course and scope of his employment with the Diocese.

580. Upon information and belief, at all relevant times Mr. Proce was employed by the Diocese and assigned to St. John's.

581. Upon information and belief, at all relevant times Mr. Proce was a guidance counselor of St. John's.

582. Upon information and belief, at all relevant times Mr. Proce was on the staff of, was an agent of, and served as an employee of St. John's.

583. Upon information and belief, at all relevant times Mr. Proce was acting in the course and scope of his employment with St. John's.

584. Upon information and belief, at all relevant times Mr. Proce had an office at St. John's and had access to the other offices, rooms, and areas of St. John's.

585. When plaintiff George Pitre was a minor, he was a member of the Diocese and St. John's, and he was a resident and student of St. John's.

586. At all relevant times, the Diocese and St. John's, their agents, servants, and employees, held Mr. Proce out to the public, and to George, as their agent and employee, including as their guidance counselor.

587. At all relevant times, the Diocese and St. John's, their agents, servants, and employees, held Mr. Proce out to the public, and to George, as having been vetted, screened, and approved by those defendants.

588. At all relevant times, George reasonably relied upon the acts and representations of the Diocese and St. John's, their agents, servants, and employees, and reasonably believed that Mr. Proce was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

589. At all relevant times, George trusted Mr. Proce because the Diocese and St. John's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of George.

590. At all relevant times, George believed that the Diocese and St. John's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of George.

591. When George was a minor, Mr. Proce sexually abused him.

592. George was sexually abused by Mr. Proce when George was approximately 14 to 15 years old.

593. Based on the representations of the Diocese and St. John's that Mr. Proce was safe and trustworthy, George allowed himself to be under the supervision of, and in the care, custody, and control of, the Diocese and St. John's, including during the times when George was sexually abused by Mr. Proce.

594. Based on the representations of the Diocese and St. John's that Mr. Proce was safe and trustworthy, George allowed himself to be under the supervision of, and in the care, custody, and control of, Mr. Proce, including during the times when George was sexually abused by Mr. Proce.

595. George would not have allowed himself to be under the supervision of, or in the care, custody, or control of, the Diocese, St. John's, or Mr. Proce if the Diocese or St. John's had disclosed to George that Mr. Proce was not safe and was not trustworthy, and that he in fact posed a danger to George in that Mr. Proce was likely to sexually abuse George.

596. From approximately 1971 through 1972, Mr. Proce exploited the trust and authority vested in him by defendants by grooming George to gain his trust and to obtain control over him as part of Mr. Proce's plan to sexually molest and abuse George and other children.

597. Mr. Proce used his position of trust and authority as a guidance counselor of the Diocese and of St. John's to groom George and to sexually abuse him multiple times, including

when George was under the supervision of, and in the care, custody, or control of, the Diocese, St. John's, and Mr. Proce.

598. At certain times, the sexual abuse of George by Mr. Proce occurred at St. John's, including on school grounds of St. John's.

599. Upon information and belief, prior to the times mentioned herein, Mr. Proce was a known sexual abuser of children.

600. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Mr. Proce was a known sexual abuser of children.

601. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Mr. Proce's sexual abuse of children would likely result in injury to others, including the sexual abuse of George and other children by Mr. Proce.

602. Upon information and belief, at certain times, between 1971 and 1972, defendants, their agents, servants, and employees knew or should have known that Mr. Proce was sexually abusing George and other children at St. John's and elsewhere.

603. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Mr. Proce of George was ongoing.

604. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known that Mr. Proce was likely to abuse children, including George, because Mr. Proce would grab boys by their genitals in the presence of others, including others who worked for the defendants.



605. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known before and during Mr. Proce's sexual abuse of George that priests, school administrators, teachers, and other persons serving the Diocese and St. John's had used their positions with those defendants to groom and to sexually abuse children.

606. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known before and during Mr. Proce's sexual abuse of George that such priests, school administrators, teachers, and other persons could not be "cured" through treatment or counseling.

607. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, concealed the sexual abuse of children by Mr. Proce in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Mr. Proce would continue to molest children.

608. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Mr. Proce would use his position with the defendants to sexually abuse children, including George.

609. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, disregarded their knowledge that Mr. Proce would use his position with them to sexually abuse children, including George.

610. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, acted in concert with each other or with Mr. Proce to conceal the danger that Mr. Proce

posed to children, including George, so that Mr. Proce could continue serving them despite their knowledge of that danger.

611. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including George, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

612. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, and other persons would continue to molest children.

613. By reason of the wrongful acts of the Diocese and St. John's as detailed herein, George sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and George has and/or will become obligated to expend sums of money for treatment.

## **XII. STATEMENT OF FACTS AS TO PLAINTIFF L.S.**

614. Upon information and belief, at all relevant times the Diocese was the owner of Saints Simon & Jude and held itself out to the public as the owner of Saints Simon & Jude.

615. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Saints Simon & Jude, including its school administrators and teachers.

616. Upon information and belief, at all relevant times the Diocese employed priests, teachers, school administrators, and others who served Catholic families at Saints Simon & Jude, including plaintiff L.S. and her family.

617. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Saints Simon & Jude, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Saints Simon & Jude, including its school administrators and teachers.

618. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Saints Simon & Jude, including its school administrators and teachers.

619. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Saints Simon & Jude, including its school administrators and teachers.

620. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Saints Simon & Jude, including the services of Ms. Jaworski and the services of those who managed and supervised Ms. Jaworski.

621. Upon information and belief, at all relevant times Saints Simon & Jude owned a parish, church, and school.

622. Upon information and belief, at all relevant times Saints Simon & Jude held itself out to the public as the owner of Saints Simon & Jude.

623. Upon information and belief, at all relevant times Saints Simon & Jude employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff L.S. and her family.

624. Upon information and belief, at all relevant times Saints Simon & Jude, its agents, servants, and employees managed, maintained, operated, and controlled Saints Simon & Jude, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Saints Simon & Jude, including its school administrators and teachers.

625. Upon information and belief, at all relevant times Saints Simon & Jude was responsible for and did the staffing and hiring at Saints Simon & Jude, including its school administrators and teachers.

626. Upon information and belief, at all relevant times Saints Simon & Jude was responsible for and did the recruitment and staffing of volunteers at Saints Simon & Jude, including its school administrators and teachers.

627. Upon information and belief, at all relevant times Saints Simon & Jude materially benefitted from the operation of Saints Simon & Jude, including the services of Ms. Jaworski and the services of those who managed and supervised Ms. Jaworski.

628. Upon information and belief, at all relevant times Ms. Jaworski was a teacher of the Diocese.

629. Upon information and belief, at all relevant times Ms. Jaworski was on the staff of, acted as an agent of, and served as an employee of the Diocese.

630. Upon information and belief, at all relevant times Ms. Jaworski was acting in the course and scope of her employment with the Diocese.

631. Upon information and belief, at all relevant times Ms. Jaworski was employed by the Diocese and assigned to Saints Simon & Jude.

632. Upon information and belief, at all relevant times Ms. Jaworski was a teacher of Saints Simon & Jude.

633. Upon information and belief, at all relevant times Ms. Jaworski was on the staff of, was an agent of, and served as an employee of Saints Simon & Jude.

634. Upon information and belief, at all relevant times Ms. Jaworski was acting in the course and scope of her employment with Saints Simon & Jude.

635. Upon information and belief, at all relevant times Ms. Jaworski had an office on the premises of Saints Simon & Jude.

636. When plaintiff L.S. was a minor, she and her parents were members of the Diocese and Saints Simon & Jude, and L.S. was a student of Saints Simon & Jude.

637. At all relevant times, the Diocese and Saints Simon & Jude, their agents, servants, and employees, held Ms. Jaworski out to the public, to L.S., and to her parents, as their agent and employee, including as their teacher.

638. At all relevant times, the Diocese and Saints Simon & Jude, their agents, servants, and employees, held Ms. Jaworski out to the public, to L.S., and to her parents, as having been vetted, screened, and approved by those defendants.

639. At all relevant times, L.S. and her parents reasonably relied upon the acts and representations of the Diocese and Saints Simon & Jude, their agents, servants, and employees, and reasonably believed that Ms. Jaworski was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

640. At all relevant times, L.S. and her parents trusted Ms. Jaworski because the Diocese and Saints Simon & Jude held her out as someone who was safe and could be trusted with the supervision, care, custody, and control of L.S.

641. At all relevant times, L.S. and her parents believed that the Diocese and Saints Simon & Jude would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of L.S.

642. When L.S. was a minor, Ms. Jaworski sexually abused her.

643. L.S. was sexually abused by Ms. Jaworski when L.S. was approximately 12 to 16 years old.

644. Based on the representations of the Diocese and Saints Simon & Jude that Ms. Jaworski was safe and trustworthy, L.S. and her parents allowed L.S. to be under the supervision of, and in the care, custody, and control of, the Diocese and Saints Simon & Jude, including during the times when L.S. was sexually abused by Ms. Jaworski.

645. Based on the representations of the Diocese and Saints Simon & Jude that Ms. Jaworski was safe and trustworthy, L.S. and her parents allowed L.S. to be under the supervision of, and in the care, custody, and control of, Ms. Jaworski, including during the times when L.S. was sexually abused by Ms. Jaworski.

646. Neither L.S. nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, Saints Simon & Jude, or Ms. Jaworski if the Diocese or Saints Simon & Jude had disclosed to L.S. or her parents that Ms. Jaworski was not safe and was not trustworthy, and that she in fact posed a danger to L.S. in that Ms. Jaworski was likely to sexually abuse L.S.

647. No parent of ordinary prudence in comparable circumstances would have allowed L.S. to be under the supervision of, or in the care, custody, or control of, the Diocese, Saints Simon & Jude, or Ms. Jaworski if the Diocese or Saints Simon & Jude had disclosed to L.S. or her parents that Ms. Jaworski was not safe and was not trustworthy, and that she in fact posed a danger to L.S. in that Ms. Jaworski was likely to sexually abuse her.

648. From approximately 1972 through 1977, Ms. Jaworski exploited the trust and authority vested in her by defendants by grooming L.S. to gain her trust and to obtain control over her as part of Ms. Jaworski's plan to sexually molest and abuse L.S. and other children.

649. Ms. Jaworski used her position of trust and authority as a teacher of the Diocese and of Saints Simon & Jude to groom L.S. and to sexually abuse her multiple times, including when L.S. was under the supervision of, and in the care, custody, or control of, the Diocese, Saints Simon & Jude, and Ms. Jaworski.

650. At certain times, the sexual abuse of L.S. by Ms. Jaworski occurred at Saints Simon & Jude, including at the school and parish grounds of Saints Simon & Jude.

651. At certain times, Ms. Jaworski's sexual abuse of L.S. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Saints Simon & Jude, including during church services, church activities, and music field trips.

652. Upon information and belief, prior to the times mentioned herein, Ms. Jaworski was a known sexual abuser of children.

653. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Ms. Jaworski was a known sexual abuser of children.

654. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Ms. Jaworski's sexual abuse of children would likely result in injury to others, including the sexual abuse of L.S. and other children by Ms. Jaworski.

655. Upon information and belief, at certain times, between 1972 and 1977, defendants, their agents, servants, and employees knew or should have known that Ms. Jaworski was sexually abusing L.S. and other children at Saints Simon & Jude and elsewhere.

656. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Ms. Jaworski of L.S. was ongoing.

657. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew or should have known that Ms. Jaworski was likely to abuse children, including L.S., because Ms. Jaworski was acting in sexual ways with other minor girls and was spending time alone with other minor girls.

658. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew or should have known that Ms. Jaworski was likely to abuse children, including L.S., because the parents of other minors complained to them that Ms. Jaworski was acting inappropriately with their children.

659. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew or should have known before and during Ms. Jaworski's sexual abuse of L.S. that priests, school administrators, teachers, and other persons serving the Diocese and Saints Simon & Jude had used their positions with those defendants to groom and to sexually abuse children.



660. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew or should have known before and during Ms. Jaworski's sexual abuse of L.S. that such priests, school administrators, teachers, and other persons could not be "cured" through treatment or counseling.

661. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, concealed the sexual abuse of children by Ms. Jaworski in order to conceal their own bad acts in failing to protect children from her, to protect their reputation, and to prevent victims of such sexual abuse by her from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Ms. Jaworski would continue to molest children.

662. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Ms. Jaworski would use her position with the defendants to sexually abuse children, including L.S.

663. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, disregarded their knowledge that Ms. Jaworski would use her position with them to sexually abuse children, including L.S.

664. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, acted in concert with each other or with Ms. Jaworski to conceal the danger that Ms. Jaworski posed to children, including L.S., so that Ms. Jaworski could continue serving them despite their knowledge of that danger.

665. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others,

including L.S., and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

666. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, and other persons would continue to molest children.

667. By reason of the wrongful acts of the Diocese and Saints Simon & Jude as detailed herein, L.S. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and L.S. has and/or will become obligated to expend sums of money for treatment.

### **XIII. STATEMENT OF FACTS AS TO PLAINTIFF DOMINICK PAGANO**

668. Upon information and belief, at all relevant times the Diocese was the owner of Bishop Loughlin and held itself out to the public as the owner of Bishop Loughlin.

669. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Bishop Loughlin, including its school administrators and teachers.

670. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served Catholic families at Bishop Loughlin, including plaintiff Dominick Pagano and his family.

671. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Bishop Loughlin, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Bishop Loughlin, including its school administrators and teachers.

672. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Bishop Loughlin, including its school administrators and teachers.

673. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Bishop Loughlin, including its school administrators and teachers.

674. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Bishop Loughlin, including the services of Father Zatarga and the services of those who managed and supervised Father Zatarga.

675. Upon information and belief, at all relevant times Bishop Loughlin owned a school.

676. Upon information and belief, at all relevant times Bishop Loughlin held itself out to the public as the owner of Bishop Loughlin.

677. Upon information and belief, at all relevant times Bishop Loughlin employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff Dominick Pagano and his family.

678. Upon information and belief, at all relevant times Bishop Loughlin, its agents, servants, and employees managed, maintained, operated, and controlled Bishop Loughlin, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Bishop Loughlin, including its school administrators and teachers.

679. Upon information and belief, at all relevant times Bishop Loughlin was responsible for and did the staffing and hiring at Bishop Loughlin, including its school administrators and teachers.

680. Upon information and belief, at all relevant times Bishop Loughlin was responsible for and did the recruitment and staffing of volunteers at Bishop Loughlin, including its school administrators and teachers.

681. Upon information and belief, at all relevant times Bishop Loughlin materially benefitted from the operation of Bishop Loughlin, including the services of Father Zatarga and the services of those who managed and supervised Father Zatarga.

682. Upon information and belief, at all relevant times Father Zatarga was a priest or school administrator of the Diocese.

683. Upon information and belief, at all relevant times Father Zatarga was on the staff of, acted as an agent of, and served as an employee of the Diocese, including as a priest or school administrator.

684. Upon information and belief, at all relevant times Father Zatarga was acting in the course and scope of his employment with the Diocese as a priest or school administrator.

685. Upon information and belief, at all relevant times Father Zatarga was employed by the Diocese and assigned to Bishop Loughlin as a priest or school administrator.

686. Upon information and belief, at all relevant times Father Zatarga was a priest or school administrator of Bishop Loughlin.

687. Upon information and belief, at all relevant times Father Zatarga was on the staff of, was an agent of, and served as an employee of Bishop Loughlin, including as a priest or school administrator.

688. Upon information and belief, at all relevant times Father Zatarga was acting in the course and scope of his employment with Bishop Loughlin, including as a priest or school administrator.

689. Upon information and belief, at all relevant times Father Zatarga had an office on the premises of Bishop Loughlin.

690. When plaintiff Dominick Pagano was a minor, he and his parents were members of the Diocese and Bishop Loughlin, and Dominick was a student of Bishop Loughlin.

691. At all relevant times, the Diocese and Bishop Loughlin, their agents, servants, and employees, held Father Zatarga out to the public, to Dominick, and to his parents, as their agent and employee, including as a priest and school administrator.

692. At all relevant times, the Diocese and Bishop Loughlin, their agents, servants, and employees, held Father Zatarga out to the public, to Dominick, and to his parents, as having been vetted, screened, and approved by those defendants.

693. At all relevant times, Dominick and his parents reasonably relied upon the acts and representations of the Diocese and Bishop Loughlin, their agents, servants, and employees, and reasonably believed that Father Zatarga was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

694. At all relevant times, Dominick and his parents trusted Father Zatarga because the Diocese and Bishop Loughlin held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Dominick.

695. At all relevant times, Dominick and his parents believed that the Diocese and Bishop Loughlin would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Dominick.

696. When Dominick was a minor, Father Zatarga sexually abused him.

697. Dominick was sexually abused by Father Zatarga when Dominick was approximately 15 to 16 years old.

698. Based on the representations of the Diocese and Bishop Loughlin that Father Zatarga was safe and trustworthy, Dominick and his parents allowed Dominick to be under the supervision of, and in the care, custody, and control of, the Diocese and Bishop Loughlin, including during the times when Dominick was sexually abused by Father Zatarga.

699. Based on the representations of the Diocese and Bishop Loughlin that Father Zatarga was safe and trustworthy, Dominick and his parents allowed Dominick to be under the supervision of, and in the care, custody, and control of, Father Zatarga, including during the times when Dominick was sexually abused by Father Zatarga.

700. Neither Dominick nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Bishop Loughlin, or Father Zatarga if the Diocese or Bishop Loughlin had disclosed to Dominick or his parents that Father Zatarga was not safe and was not trustworthy, and that he in fact posed a danger to Dominick in that Father Zatarga was likely to sexually abuse Dominick.

701. No parent of ordinary prudence in comparable circumstances would have allowed Dominick to be under the supervision of, or in the care, custody, or control of, the Diocese, Bishop Loughlin, or Father Zatarga if the Diocese or Bishop Loughlin had disclosed to Dominick or his parents that Father Zatarga was not safe and was not trustworthy, and that he in fact posed a danger to Dominick in that Father Zatarga was likely to sexually abuse him.

702. From approximately 1974 through 1975, Father Zatarga exploited the trust and authority vested in him by defendants by grooming Dominick to gain his trust and to obtain control over him as part of Father Zatarga's plan to sexually molest and abuse Dominick and other children.

703. Father Zatarga used his position of trust and authority as a priest and school administrator of the Diocese and of Bishop Loughlin to groom Dominick and to sexually abuse him multiple times, including when Dominick was under the supervision of, and in the care, custody, or control of, the Diocese, Bishop Loughlin, and Father Zatarga.

704. At certain times, the sexual abuse of Dominick by Father Zatarga occurred at Bishop Loughlin, including at the office that Father Zatarga had at Bishop Loughlin.

705. At certain times, Father Zatarga's sexual abuse of Dominick occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Bishop Loughlin, including during counseling sessions between Father Zatarga and Dominick.

706. Upon information and belief, prior to the times mentioned herein, Father Zatarga was a known sexual abuser of children.

707. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Zatarga was a known sexual abuser of children.

708. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Zatarga's sexual abuse of children would likely result in injury to others, including the sexual abuse of Dominick and other children by Father Zatarga.

709. Upon information and belief, at certain times, between 1974 and 1975, defendants, their agents, servants, and employees knew or should have known that Father Zatarga was sexually abusing Dominick and other children at Bishop Loughlin and elsewhere.

710. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Zatarga of Dominick was ongoing.

711. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, knew or should have known that Father Zatarga was likely to abuse children, including Dominick, because they knew or should have known that Father Zatarga had sexually abused other children in the past.

712. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, knew or should have known that Father Zatarga was likely to abuse children, including Dominick, because they knew or should have known that Father Zatarga had previously been sent away for therapy and treatment for sexually abusing children.

713. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, knew or should have known that Father Zatarga was likely to abuse children, including Dominick, because they knew or should have known that Father Zatarga had previously admitted to having inappropriate sexual contact with multiple children before he sexually abused Dominick.



714. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, knew or should have known before and during Father Zatarga's sexual abuse of Dominick that priests, school administrators, teachers, and other persons serving the Diocese and Bishop Loughlin had used their positions with those defendants to groom and to sexually abuse children.

715. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, knew or should have known before and during Father Zatarga's sexual abuse of Dominick that such priests, school administrators, teachers, and other persons could not be "cured" through treatment or counseling.

716. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, concealed the sexual abuse of children by Father Zatarga in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Zatarga would continue to molest children.

717. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Zatarga would use his position with the defendants to sexually abuse children, including Dominick.

718. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, disregarded their knowledge that Father Zatarga would use his position with them to sexually abuse children, including Dominick.

719. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, acted in concert with each other or with Father Zatarga to conceal the

danger that Father Zatarga posed to children, including Dominick, so that Father Zatarga could continue serving them despite their knowledge of that danger.

720. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Dominick, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

721. Upon information and belief, the Diocese and Bishop Loughlin, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, and other persons would continue to molest children.

722. By reason of the wrongful acts of the Diocese and Bishop Loughlin as detailed herein, Dominick sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Dominick has and/or will become obligated to expend sums of money for treatment.

#### **XIV. STATEMENT OF FACTS AS TO PLAINTIFF WILLIAM NOVAK**

723. Upon information and belief, at all relevant times the Diocese was the owner of St. Ephrem and held itself out to the public as the owner of St. Ephrem.

724. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Ephrem.

725. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served Catholic families at St. Ephrem, including plaintiff William Novak and his family.

726. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Ephrem, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Ephrem.

727. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Ephrem.

728. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Ephrem.

729. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Ephrem, including the services of Father Ferro and the services of those who managed and supervised Father Ferro.

730. Upon information and belief, at all relevant times St. Ephrem owned a parish, church, and school.

731. Upon information and belief, at all relevant times St. Ephrem held itself out to the public as the owner of St. Ephrem.

732. Upon information and belief, at all relevant times St. Ephrem employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff William Novak and his family.

733. Upon information and belief, at all relevant times St. Ephrem, its agents, servants, and employees managed, maintained, operated, and controlled St. Ephrem, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Ephrem.

734. Upon information and belief, at all relevant times St. Ephrem was responsible for and did the staffing and hiring at St. Ephrem.

735. Upon information and belief, at all relevant times St. Ephrem was responsible for and did the recruitment and staffing of volunteers at St. Ephrem.

736. Upon information and belief, at all relevant times St. Ephrem materially benefitted from the operation of St. Ephrem, including the services of Father Ferro and the services of those who managed and supervised Father Ferro.

737. Upon information and belief, at all relevant times Father Ferro was a priest and school administrator of the Diocese.

738. Upon information and belief, at all relevant times Father Ferro was on the staff of, acted as an agent of, and served as an employee of the Diocese.

739. Upon information and belief, at all relevant times Father Ferro was acting in the course and scope of his employment with the Diocese.

740. Upon information and belief, at all relevant times Father Ferro was employed by the Diocese and assigned to St. Ephrem.

741. Upon information and belief, at all relevant times Father Ferro was a priest and school administrator of St. Ephrem.

742. Upon information and belief, at all relevant times Father Ferro was on the staff of, was an agent of, and served as an employee of St. Ephrem.

743. Upon information and belief, at all relevant times Father Ferro was acting in the course and scope of his employment with St. Ephrem.

744. Upon information and belief, at all relevant times Father Ferro had an office on the premises of St. Ephrem.

745. When plaintiff William Novak was a minor, he and his parents were members of the Diocese and St. Ephrem, and William attended St. Ephrem School.

746. At all relevant times, the Diocese and St. Ephrem, their agents, servants, and employees, held Father Ferro out to the public, to William, and to his parents, as their agent and employee.

747. At all relevant times, the Diocese and St. Ephrem, their agents, servants, and employees, held Father Ferro out to the public, to William, and to his parents, as having been vetted, screened, and approved by those defendants.

748. At all relevant times, William and his parents reasonably relied upon the acts and representations of the Diocese and St. Ephrem, their agents, servants, and employees, and reasonably believed that Father Ferro was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

749. At all relevant times, William and his parents trusted Father Ferro because the Diocese and St. Ephrem held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of William.

750. At all relevant times, William and his parents believed that the Diocese and St. Ephrem would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of William.

751. When William was a minor, Father Ferro sexually abused him.

752. William was sexually abused by Father Ferro when William was approximately 12 to 13 years old.

753. Based on the representations of the Diocese and St. Ephrem that Father Ferro was safe and trustworthy, William and his parents allowed William to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Ephrem, including during the times when William was sexually abused by Father Ferro.

754. Based on the representations of the Diocese and St. Ephrem that Father Ferro was safe and trustworthy, William and his parents allowed William to be under the supervision of, and in the care, custody, and control of, Father Ferro, including during the times when William was sexually abused by Father Ferro.

755. Neither William nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Ephrem, or Father Ferro if the Diocese or St. Ephrem had disclosed to William or his parents that Father Ferro was not safe and was not trustworthy, and that he in fact posed a danger to William in that Father Ferro was likely to sexually abuse William.

756. No parent of ordinary prudence in comparable circumstances would have allowed William to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Ephrem, or Father Ferro if the Diocese or St. Ephrem had disclosed to William or his parents that Father Ferro was not safe and was not trustworthy, and that he in fact posed a danger to William in that Father Ferro was likely to sexually abuse him.

757. From approximately 1976 through 1978, Father Ferro exploited the trust and authority vested in him by defendants by grooming William to gain his trust and to obtain control over him as part of Father Ferro's plan to sexually molest and abuse William and other children.

758. Father Ferro used his position of trust and authority as a priest and school administrator of the Diocese and of St. Ephrem to groom William and to sexually abuse him multiple times, including when William was under the supervision of, and in the care, custody, or control of, the Diocese, St. Ephrem, and Father Ferro.

759. At certain times, the sexual abuse of William by Father Ferro occurred at St. Ephrem, including in the church rectory.

760. At certain times, Father Ferro's sexual abuse of William occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Ephrem, including school activities.

761. Upon information and belief, prior to the times mentioned herein, Father Ferro was a known sexual abuser of children.

762. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Ferro was a known sexual abuser of children.

763. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Ferro's sexual abuse of children would likely result in injury to others, including the sexual abuse of William and other children by Father Ferro.

764. Upon information and belief, at certain times, between 1976 and 1978, defendants, their agents, servants, and employees knew or should have known that Father Ferro was sexually abusing William and other children at St. Ephrem and elsewhere.

765. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Ferro of William was ongoing.

766. Upon information and belief, the Diocese and St. Ephrem, their agents, servants, and employees, knew or should have known before and during Father Ferro's sexual abuse of William that priests, school administrators, teachers, and other persons serving the Diocese and St. Ephrem had used their positions with those defendants to groom and to sexually abuse children.

767. Upon information and belief, the Diocese and St. Ephrem, their agents, servants, and employees, knew or should have known before and during Father Ferro's sexual abuse of William that such priests, school administrators, teachers, and other persons could not be "cured" through treatment or counseling.

768. Upon information and belief, the Diocese and St. Ephrem, their agents, servants, and employees, concealed the sexual abuse of children by Father Ferro in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Ferro would continue to molest children.

769. Upon information and belief, the Diocese and St. Ephrem, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Ferro would use his position with the defendants to sexually abuse children, including William.

770. Upon information and belief, the Diocese and St. Ephrem, their agents, servants, and employees, disregarded their knowledge that Father Ferro would use his position with them to sexually abuse children, including William.

771. Upon information and belief, the Diocese and St. Ephrem, their agents, servants, and employees, acted in concert with each other or with Father Ferro to conceal the danger that



Father Ferro posed to children, including William, so that Father Ferro could continue serving them despite their knowledge of that danger.

772. Upon information and belief, the Diocese and St. Ephrem, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including William, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

773. Upon information and belief, the Diocese and St. Ephrem, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, and other persons would continue to molest children.

774. By reason of the wrongful acts of the Diocese and St. Ephrem as detailed herein, William sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and William has and/or will become obligated to expend sums of money for treatment.

#### **XV. STATEMENT OF FACTS AS TO PLAINTIFF GARRETT TUPPER**

775. Upon information and belief, at all relevant times the Diocese was the owner of Our Lady of the Angelus and held itself out to the public as the owner of Our Lady of the Angelus.

776. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of the Angelus.

777. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at Our Lady of the Angelus, including plaintiff Garrett Tupper and his family.

778. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of the Angelus, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Our Lady of the Angelus.

779. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Our Lady of the Angelus.

780. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Our Lady of the Angelus.

781. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Our Lady of the Angelus, including the services of Father Connolly and the services of those who managed and supervised Father Connolly.

782. Upon information and belief, at all relevant times Our Lady of the Angelus owned a parish, church, and school.

783. Upon information and belief, at all relevant times Our Lady of the Angelus held itself out to the public as the owner of Our Lady of the Angelus.

784. Upon information and belief, at all relevant times Our Lady of the Angelus employed priests and others who served Catholic families, including plaintiff Garrett Tupper and his family.

785. Upon information and belief, at all relevant times Our Lady of the Angelus, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of the Angelus, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Our Lady of the Angelus.

786. Upon information and belief, at all relevant times Our Lady of the Angelus was responsible for and did the staffing and hiring at Our Lady of the Angelus.

787. Upon information and belief, at all relevant times Our Lady of the Angelus was responsible for and did the recruitment and staffing of volunteers at Our Lady of the Angelus.

788. Upon information and belief, at all relevant times Our Lady of the Angelus materially benefitted from the operation of Our Lady of the Angelus, including the services of Father Connolly and the services of those who managed and supervised Father Connolly.

789. Upon information and belief, at all relevant times Father Connolly was a priest of the Diocese.

790. Upon information and belief, at all relevant times Father Connolly was on the staff of, acted as an agent of, and served as an employee of the Diocese.

791. Upon information and belief, at all relevant times Father Connolly was acting in the course and scope of his employment with the Diocese.

792. Upon information and belief, at all relevant times Father Connolly was employed by the Diocese and assigned to Our Lady of the Angelus.

793. Upon information and belief, at all relevant times Father Connolly was a priest of Our Lady of the Angelus.

794. Upon information and belief, at all relevant times Father Connolly was on the staff of, was an agent of, and served as an employee of Our Lady of the Angelus.

795. Upon information and belief, at all relevant times Father Connolly was acting in the course and scope of his employment with Our Lady of the Angelus.

796. Upon information and belief, at all relevant times Father Connolly had an office on the premises of Our Lady of the Angelus.

797. When plaintiff Garrett Tupper was a minor, he and his parents were members of the Diocese and Our Lady of the Angelus.

798. At all relevant times, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, held Father Connolly out to the public, to Garrett, and to his parents, as their agent and employee.

799. At all relevant times, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, held Father Connolly out to the public, to Garrett, and to his parents, as having been vetted, screened, and approved by those defendants.

800. At all relevant times, Garrett and his parents reasonably relied upon the acts and representations of the Diocese and Our Lady of the Angelus, their agents, servants, and employees, and reasonably believed that Father Connolly was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

801. At all relevant times, Garrett and his parents trusted Father Connolly because the Diocese and Our Lady of the Angelus held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Garrett.

802. At all relevant times, Garrett and his parents believed that the Diocese and Our Lady of the Angelus would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Garrett.

803. When Garrett was a minor, Father Connolly sexually abused him.

804. Garrett was sexually abused by Father Connolly when Garrett was approximately 12 or 13 years old.

805. Based on the representations of the Diocese and Our Lady of the Angelus that Father Connolly was safe and trustworthy, Garrett and his parents allowed Garrett to be under the supervision of, and in the care, custody, and control of, the Diocese and Our Lady of the Angelus, including during the times when Garrett was sexually abused by Father Connolly.

806. Based on the representations of the Diocese and Our Lady of the Angelus that Father Connolly was safe and trustworthy, Garrett and his parents allowed Garrett to be under the supervision of, and in the care, custody, and control of, Father Connolly, including during the times when Garrett was sexually abused by Father Connolly.

807. Neither Garrett nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Lady of the Angelus, or Father Connolly if the Diocese or Our Lady of the Angelus had disclosed to Garrett or his parents that Father Connolly was not safe and was not trustworthy, and that he in fact posed a danger to Garrett in that Father Connolly was likely to sexually abuse Garrett.

808. No parent of ordinary prudence in comparable circumstances would have allowed Garrett to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Lady of the Angelus, or Father Connolly if the Diocese or Our Lady of the Angelus had disclosed to Garrett or his parents that Father Connolly was not safe and was not trustworthy, and that he in fact posed a danger to Garrett in that Father Connolly was likely to sexually abuse him.

809. From approximately 1978 through 1979, Father Connolly exploited the trust and authority vested in him by defendants by grooming Garrett to gain his trust and to obtain control over him as part of Father Connolly's plan to sexually molest and abuse Garrett and other children.

810. Father Connolly used his position of trust and authority as a priest of the Diocese and of Our Lady of the Angelus to groom Garrett and to sexually abuse him, including when Garrett was under the supervision of, and in the care, custody, or control of, the Diocese, Our Lady of the Angelus, and Father Connolly.

811. Father Connolly sexually abused Garrett in Father Connolly's bedroom.

812. Father Connolly's sexual abuse of Garrett occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Our Lady of the Angelus, including during an altar boy meeting at Our Lady of the Angelus that was convened by Father Connolly as a priest of the defendants.

813. Upon information and belief, prior to the times mentioned herein, Father Connolly was a known sexual abuser of children.

814. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Connolly was a known sexual abuser of children.

815. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Connolly's sexual abuse of children would likely result in injury to others, including the sexual abuse of Garrett and other children by Father Connolly.

816. Upon information and belief, at certain times, between 1978 and 1979, defendants, their agents, servants, and employees knew or should have known that Father Connolly was sexually abusing Garrett and other children at Our Lady of the Angelus and elsewhere.

817. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, knew or should have known that Father Connolly was likely to abuse children, including Garrett.

818. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, knew or should have known that Father Connolly was likely to abuse children, including Garrett, because Father Connolly would give Garrett gifts and shower him with extra attention in order to groom him for sexual abuse.

819. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, knew or should have known before and during Father Connolly's sexual abuse of Garrett that priests and other persons serving the Diocese and Our Lady of the Angelus had used their positions with those defendants to groom and to sexually abuse children.

820. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, knew or should have known before and during Father Connolly's sexual abuse of Garrett that such priests and other persons could not be "cured" through treatment or counseling.

821. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, concealed the sexual abuse of children by Father Connolly in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the

extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Connolly would continue to molest children.

822. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Connolly would use his position with the defendants to sexually abuse children, including Garrett.

823. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, disregarded their knowledge that Father Connolly would use his position with them to sexually abuse children, including Garrett.

824. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, acted in concert with each other or with Father Connolly to conceal the danger that Father Connolly posed to children, including Garrett, so that Father Connolly could continue serving them despite their knowledge of that danger.

825. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Garrett, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

826. Upon information and belief, the Diocese and Our Lady of the Angelus, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely



limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

827. By reason of the wrongful acts of the Diocese and Our Lady of the Angelus as detailed herein, Garrett sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Garrett has and/or will become obligated to expend sums of money for treatment.

#### **XVI. STATEMENT OF FACTS AS TO PLAINTIFF D.K.**

828. Upon information and belief, at all relevant times the Diocese was the owner of Saints Simon & Jude and held itself out to the public as the owner of Saints Simon & Jude.

829. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Saints Simon & Jude, including its school administrators and teachers.

830. Upon information and belief, at all relevant times the Diocese employed priests, teachers, school administrators, and others who served Catholic families at Saints Simon & Jude, including plaintiff D.K. and her family.

831. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Saints Simon & Jude, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Saints Simon & Jude, including its school administrators and teachers.

832. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Saints Simon & Jude, including its school administrators and teachers.

833. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Saints Simon & Jude, including its school administrators and teachers.

834. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Saints Simon & Jude, including the services of Ms. Jaworski and the services of those who managed and supervised Ms. Jaworski.

835. Upon information and belief, at all relevant times Saints Simon & Jude owned a parish, church, and school.

836. Upon information and belief, at all relevant times Saints Simon & Jude held itself out to the public as the owner of Saints Simon & Jude.

837. Upon information and belief, at all relevant times Saints Simon & Jude employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff D.K. and her family.

838. Upon information and belief, at all relevant times Saints Simon & Jude, its agents, servants, and employees managed, maintained, operated, and controlled Saints Simon & Jude, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Saints Simon & Jude, including its school administrators and teachers.

839. Upon information and belief, at all relevant times Saints Simon & Jude was responsible for and did the staffing and hiring at Saints Simon & Jude, including its school administrators and teachers.

840. Upon information and belief, at all relevant times Saints Simon & Jude was responsible for and did the recruitment and staffing of volunteers at Saints Simon & Jude, including its school administrators and teachers.

841. Upon information and belief, at all relevant times Saints Simon & Jude materially benefitted from the operation of Saints Simon & Jude, including the services of Ms. Jaworski and the services of those who managed and supervised Ms. Jaworski.

842. Upon information and belief, at all relevant times Ms. Jaworski was a teacher of the Diocese.

843. Upon information and belief, at all relevant times Ms. Jaworski was on the staff of, acted as an agent of, and served as an employee of the Diocese.

844. Upon information and belief, at all relevant times Ms. Jaworski was acting in the course and scope of her employment with the Diocese.

845. Upon information and belief, at all relevant times Ms. Jaworski was employed by the Diocese and assigned to Saints Simon & Jude.

846. Upon information and belief, at all relevant times Ms. Jaworski was a teacher of Saints Simon & Jude.

847. Upon information and belief, at all relevant times Ms. Jaworski was on the staff of, was an agent of, and served as an employee of Saints Simon & Jude.

848. Upon information and belief, at all relevant times Ms. Jaworski was acting in the course and scope of her employment with Saints Simon & Jude.

849. Upon information and belief, at all relevant times Ms. Jaworski had an office on the premises of Saints Simon & Jude.

850. When plaintiff D.K. was a minor, she and her parents were members of the Diocese and Saints Simon & Jude and D.K. was a student of Saints Simon & Jude.

851. At all relevant times, the Diocese and Saints Simon & Jude, their agents, servants, and employees, held Ms. Jaworski out to the public, to D.K., and to her parents, as their agent and employee, including as their teacher.

852. At all relevant times, the Diocese and Saints Simon & Jude, their agents, servants, and employees, held Ms. Jaworski out to the public, to D.K., and to her parents, as having been vetted, screened, and approved by those defendants.

853. At all relevant times, D.K. and her parents reasonably relied upon the acts and representations of the Diocese and Saints Simon & Jude, their agents, servants, and employees, and reasonably believed that Ms. Jaworski was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

854. At all relevant times, D.K. and her parents trusted Ms. Jaworski because the Diocese and Saints Simon & Jude held her out as someone who was safe and could be trusted with the supervision, care, custody, and control of D.K.

855. At all relevant times, D.K. and her parents believed that the Diocese and Saints Simon & Jude would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of D.K.

856. When D.K. was a minor, Ms. Jaworski sexually abused her.

857. D.K. was sexually abused by Ms. Jaworski when D.K. was approximately 16 to 17 years old.

858. Based on the representations of the Diocese and Saints Simon & Jude that Ms. Jaworski was safe and trustworthy, D.K. and her parents allowed D.K. to be under the supervision

of, and in the care, custody, and control of, the Diocese and Saints Simon & Jude, including during the times when D.K. was sexually abused by Ms. Jaworski.

859. Based on the representations of the Diocese and Saints Simon & Jude that Ms. Jaworski was safe and trustworthy, D.K. and her parents allowed D.K. to be under the supervision of, and in the care, custody, and control of, Ms. Jaworski, including during the times when D.K. was sexually abused by Ms. Jaworski.

860. Neither D.K. nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, Saints Simon & Jude, or Ms. Jaworski if the Diocese or Saints Simon & Jude had disclosed to D.K. or her parents that Ms. Jaworski was not safe and was not trustworthy, and that she in fact posed a danger to D.K. in that Ms. Jaworski was likely to sexually abuse D.K.

861. No parent of ordinary prudence in comparable circumstances would have allowed D.K. to be under the supervision of, or in the care, custody, or control of, the Diocese, Saints Simon & Jude, or Ms. Jaworski if the Diocese or Saints Simon & Jude had disclosed to D.K. or her parents that Ms. Jaworski was not safe and was not trustworthy, and that she in fact posed a danger to D.K. in that Ms. Jaworski was likely to sexually abuse her.

862. From approximately 1977 through 1979, Ms. Jaworski exploited the trust and authority vested in her by defendants by grooming D.K. to gain her trust and to obtain control over her as part of Ms. Jaworski's plan to sexually molest and abuse D.K. and other children.

863. Ms. Jaworski used her position of trust and authority as a teacher of the Diocese and of Saints Simon & Jude to groom D.K. and to sexually abuse her multiple times, including when D.K. was under the supervision of, and in the care, custody, or control of, the Diocese, Saints Simon & Jude, and Ms. Jaworski.

864. At certain times, the sexual abuse of D.K. by Ms. Jaworski occurred at Saints Simon & Jude, including in the church.

865. At certain times, Ms. Jaworski's sexual abuse of D.K. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Saints Simon & Jude, including during Ms. Jaworski's music lessons, guitar lessons, and folk group practice.

866. Upon information and belief, prior to the times mentioned herein, Ms. Jaworski was a known sexual abuser of children.

867. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Ms. Jaworski was a known sexual abuser of children.

868. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Ms. Jaworski's sexual abuse of children would likely result in injury to others, including the sexual abuse of D.K. and other children by Ms. Jaworski.

869. Upon information and belief, at certain times, between 1977 and 1979, defendants, their agents, servants, and employees knew or should have known that Ms. Jaworski was sexually abusing D.K. and other children at Saints Simon & Jude and elsewhere.

870. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Ms. Jaworski of D.K. was ongoing.

871. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew or should have known that Ms. Jaworski was likely to abuse

children, including D.K., because Ms. Jaworski was acting in sexual ways with other minor girls and was spending time alone with other minor girls.

872. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew or should have known before and during Ms. Jaworski's sexual abuse of D.K. that priests and other persons serving the Diocese and Saints Simon & Jude had used their positions with those defendants to groom and to sexually abuse children.

873. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew or should have known before and during Ms. Jaworski's sexual abuse of D.K. that such priests and other persons could not be "cured" through treatment or counseling.

874. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, concealed the sexual abuse of children by Ms. Jaworski in order to conceal their own bad acts in failing to protect children from her, to protect their reputation, and to prevent victims of such sexual abuse by her from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Ms. Jaworski would continue to molest children.

875. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Ms. Jaworski would use her position as a teacher with the defendants to sexually abuse children, including D.K.

876. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, disregarded their knowledge that Ms. Jaworski would use her position with them to sexually abuse children, including D.K.

877. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, acted in concert with each other or with Ms. Jaworski to conceal the danger that Ms. Jaworski posed to children, including D.K., so that Ms. Jaworski could continue serving them despite their knowledge of that danger.

878. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including D.K., and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

879. Upon information and belief, the Diocese and Saints Simon & Jude, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

880. By reason of the wrongful acts of the Diocese and Saints Simon & Jude as detailed herein, D.K. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and D.K. has and/or will become obligated to expend sums of money for treatment.



**XVII. STATEMENT OF FACTS AS TO PLAINTIFF J.N.**

881. Upon information and belief, at all relevant times the Diocese was the owner of St. Bernard and held itself out to the public as the owner of St. Bernard.

882. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Bernard.

883. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Bernard, including plaintiff J.N. and his family.

884. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Bernard, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Bernard.

885. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Bernard.

886. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Bernard.

887. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Bernard, including the services of Father Pugliese and the services of those who managed and supervised Father Pugliese.

888. Upon information and belief, at all relevant times St. Bernard owned a parish, church, and school.

889. Upon information and belief, at all relevant times St. Bernard held itself out to the public as the owner of St. Bernard.

890. Upon information and belief, at all relevant times St. Bernard employed priests and others who served Catholic families, including plaintiff J.N. and his family.

891. Upon information and belief, at all relevant times St. Bernard, its agents, servants, and employees managed, maintained, operated, and controlled St. Bernard, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Bernard.

892. Upon information and belief, at all relevant times St. Bernard was responsible for and did the staffing and hiring at St. Bernard.

893. Upon information and belief, at all relevant times St. Bernard was responsible for and did the recruitment and staffing of volunteers at St. Bernard.

894. Upon information and belief, at all relevant times St. Bernard materially benefitted from the operation of St. Bernard, including the services of Father Pugliese and the services of those who managed and supervised Father Pugliese.

895. Upon information and belief, at all relevant times Father Pugliese was a priest of the Diocese.

896. Upon information and belief, at all relevant times Father Pugliese was on the staff of, acted as an agent of, and served as an employee of the Diocese.

897. Upon information and belief, at all relevant times Father Pugliese was acting in the course and scope of his employment with the Diocese.

898. Upon information and belief, at all relevant times Father Pugliese was employed by the Diocese and assigned to St. Bernard.

899. Upon information and belief, at all relevant times Father Pugliese was a priest of St. Bernard.

900. Upon information and belief, at all relevant times Father Pugliese was on the staff of, was an agent of, and served as an employee of St. Bernard.

901. Upon information and belief, at all relevant times Father Pugliese was acting in the course and scope of his employment with St. Bernard.

902. Upon information and belief, at all relevant times Father Pugliese had an office on the premises of St. Bernard.

903. When plaintiff J.N. was a minor, he was a member of the Diocese and St. Bernard.

904. At all relevant times, the Diocese and St. Bernard, their agents, servants, and employees, held Father Pugliese out to the public, to J.N., and to his parents, as their agent and employee.

905. At all relevant times, the Diocese and St. Bernard, their agents, servants, and employees, held Father Pugliese out to the public, to J.N., and to his parents, as having been vetted, screened, and approved by those defendants.

906. At all relevant times, J.N. and his parents reasonably relied upon the acts and representations of the Diocese and St. Bernard, their agents, servants, and employees, and reasonably believed that Father Pugliese was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

907. At all relevant times, J.N. and his parents trusted Father Pugliese because the Diocese and St. Bernard held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of J.N.

908. At all relevant times, J.N. and his parents believed that the Diocese and St. Bernard would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of J.N.

909. When J.N. was a minor, Father Pugliese sexually abused him.

910. J.N. was sexually abused by Father Pugliese when J.N. was approximately 8 to 9 years old.

911. Based on the representations of the Diocese and St. Bernard that Father Pugliese was safe and trustworthy, J.N. and his parents allowed J.N. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Bernard, including during the times when J.N. was sexually abused by Father Pugliese.

912. Based on the representations of the Diocese and St. Bernard that Father Pugliese was safe and trustworthy, J.N. and his parents allowed J.N. to be under the supervision of, and in the care, custody, and control of, Father Pugliese, including during the times when J.N. was sexually abused by Father Pugliese.

913. Neither J.N. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Bernard, or Father Pugliese if the Diocese or St. Bernard had disclosed to J.N. or his parents that Father Pugliese was not safe and was not trustworthy, and that he in fact posed a danger to J.N. in that Father Pugliese was likely to sexually abuse J.N.

914. No parent of ordinary prudence in comparable circumstances would have allowed J.N. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Bernard, or Father Pugliese if the Diocese or St. Bernard had disclosed to J.N. or his parents that Father Pugliese was not safe and was not trustworthy, and that he in fact posed a danger to J.N. in that Father Pugliese was likely to sexually abuse him.

915. From approximately 1982 through 1983, Father Pugliese exploited the trust and authority vested in him by defendants by grooming J.N. to gain his trust and to obtain control over him as part of Father Pugliese's plan to sexually molest and abuse J.N. and other children.

916. Father Pugliese used his position of trust and authority as a priest of the Diocese and of St. Bernard to groom J.N. and to sexually abuse him multiple times, including when J.N. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Bernard, and Father Pugliese.

917. At certain times, the sexual abuse of J.N. by Father Pugliese occurred at St. Bernard, including inside the church.

918. At certain times, Father Pugliese's sexual abuse of J.N. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Bernard, including during communion practice and CCD classes.

919. Upon information and belief, prior to the times mentioned herein, Father Pugliese was a known sexual abuser of children.

920. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Pugliese was a known sexual abuser of children.

921. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Pugliese's sexual abuse of children would likely result in injury to others, including the sexual abuse of J.N. and other children by Father Pugliese.

922. Upon information and belief, at certain times, between 1982 and 1983, defendants, their agents, servants, and employees knew or should have known that Father Pugliese was sexually abusing J.N. and other children at St. Bernard and elsewhere.

923. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Pugliese of J.N. was ongoing.

924. Upon information and belief, the Diocese and St. Bernard, their agents, servants, and employees, knew or should have known before and during Father Pugliese's sexual abuse of J.N. that priests and other persons serving the Diocese and St. Bernard had used their positions with those defendants to groom and to sexually abuse children.

925. Upon information and belief, the Diocese and St. Bernard, their agents, servants, and employees, knew or should have known before and during Father Pugliese's sexual abuse of J.N. that such priests and other persons could not be "cured" through treatment or counseling.

926. Upon information and belief, the Diocese and St. Bernard, their agents, servants, and employees, concealed the sexual abuse of children by Father Pugliese in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Pugliese would continue to molest children.

927. Upon information and belief, the Diocese and St. Bernard, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Pugliese would use his position with the defendants to sexually abuse children, including J.N.

928. Upon information and belief, the Diocese and St. Bernard, their agents, servants, and employees, disregarded their knowledge that Father Pugliese would use his position with them to sexually abuse children, including J.N.

929. Upon information and belief, the Diocese and St. Bernard, their agents, servants, and employees, acted in concert with each other or with Father Pugliese to conceal the danger that Father Pugliese posed to children, including J.N., so that Father Pugliese could continue serving them despite their knowledge of that danger.

930. Upon information and belief, the Diocese and St. Bernard, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including J.N., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

931. Upon information and belief, the Diocese and St. Bernard, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

932. By reason of the wrongful acts of the Diocese and St. Bernard as detailed herein, J.N. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and J.N. has and/or will become obligated to expend sums of money for treatment.

#### **XVIII. STATEMENT OF FACTS AS TO PLAINTIFF H.C.**

933. Upon information and belief, at all relevant times the Diocese was the owner of St. Anthony's-St. Alphonsus and held itself out to the public as the owner of St. Anthony's-St. Alphonsus.

934. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Anthony's-St. Alphonsus.

935. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Anthony's-St. Alphonsus, including plaintiff H.C. and his family.

936. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Anthony's-St. Alphonsus, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Anthony's-St. Alphonsus.

937. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Anthony's-St. Alphonsus.

938. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Anthony's-St. Alphonsus.

939. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Anthony's-St. Alphonsus, including the services of Father Titone and the services of those who managed and supervised Father Titone.

940. Upon information and belief, at all relevant times St. Anthony's-St. Alphonsus owned a parish, church, and school.

941. Upon information and belief, at all relevant times St. Anthony's-St. Alphonsus held itself out to the public as the owner of St. Anthony's-St. Alphonsus.

942. Upon information and belief, at all relevant times St. Anthony's-St. Alphonsus employed priests and others who served Catholic families, including plaintiff H.C. and his family.

943. Upon information and belief, at all relevant times St. Anthony's-St. Alphonsus, its agents, servants, and employees managed, maintained, operated, and controlled St. Anthony's-St.



Alphonsus, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Anthony's-St. Alphonsus.

944. Upon information and belief, at all relevant times St. Anthony's-St. Alphonsus was responsible for and did the staffing and hiring at St. Anthony's-St. Alphonsus.

945. Upon information and belief, at all relevant times St. Anthony's-St. Alphonsus was responsible for and did the recruitment and staffing of volunteers at St. Anthony's-St. Alphonsus.

946. Upon information and belief, at all relevant times St. Anthony's-St. Alphonsus materially benefitted from the operation of St. Anthony's-St. Alphonsus, including the services of Father Titone and the services of those who managed and supervised Father Titone.

947. Upon information and belief, at all relevant times Father Titone was a priest of the Diocese.

948. Upon information and belief, at all relevant times Father Titone was on the staff of, acted as an agent of, and served as an employee of the Diocese.

949. Upon information and belief, at all relevant times Father Titone was acting in the course and scope of his employment with the Diocese.

950. Upon information and belief, at all relevant times Father Titone was employed by the Diocese and assigned to St. Anthony's-St. Alphonsus.

951. Upon information and belief, at all relevant times Father Titone was a priest of St. Anthony's-St. Alphonsus.

952. Upon information and belief, at all relevant times Father Titone was on the staff of, was an agent of, and served as an employee of St. Anthony's-St. Alphonsus.

953. Upon information and belief, at all relevant times Father Titone was acting in the course and scope of his employment with St. Anthony's-St. Alphonsus.

954. Upon information and belief, at all relevant times Father Titone had an office on the premises of St. Anthony's-St. Alphonsus.

955. When plaintiff H.C. was a minor, he and his parents were members of the Diocese and St. Anthony's-St. Alphonsus, and H.C. was a student and altar boy.

956. At all relevant times, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, held Father Titone out to the public, to H.C., and to his parents, as their agent and employee.

957. At all relevant times, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, held Father Titone out to the public, to H.C., and to his parents, as having been vetted, screened, and approved by those defendants.

958. At all relevant times, H.C. and his parents reasonably relied upon the acts and representations of the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, and reasonably believed that Father Titone was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

959. At all relevant times, H.C. and his parents trusted Father Titone because the Diocese and St. Anthony's-St. Alphonsus held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of H.C.

960. At all relevant times, H.C. and his parents believed that the Diocese and St. Anthony's-St. Alphonsus would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of H.C.

961. When H.C. was a minor, Father Titone sexually abused him.

962. H.C. was sexually abused by Father Titone when H.C. was approximately 11 to 14 years old.

963. Based on the representations of the Diocese and St. Anthony's-St. Alphonsus that Father Titone was safe and trustworthy, H.C. and his parents allowed H.C. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Anthony's-St. Alphonsus, including during the times when H.C. was sexually abused by Father Titone.

964. Based on the representations of the Diocese and St. Anthony's-St. Alphonsus that Father Titone was safe and trustworthy, H.C. and his parents allowed H.C. to be under the supervision of, and in the care, custody, and control of, Father Titone, including during the times when H.C. was sexually abused by Father Titone.

965. Neither H.C. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Anthony's-St. Alphonsus, or Father Titone if the Diocese or St. Anthony's-St. Alphonsus had disclosed to H.C. or his parents that Father Titone was not safe and was not trustworthy, and that he in fact posed a danger to H.C. in that Father Titone was likely to sexually abuse H.C.

966. No parent of ordinary prudence in comparable circumstances would have allowed H.C. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Anthony's-St. Alphonsus, or Father Titone if the Diocese or St. Anthony's-St. Alphonsus had disclosed to H.C. or his parents that Father Titone was not safe and was not trustworthy, and that he in fact posed a danger to H.C. in that Father Titone was likely to sexually abuse him.

967. From approximately 1986 through 1989, Father Titone exploited the trust and authority vested in him by defendants by grooming H.C. to gain his trust and to obtain control over him as part of Father Titone's plan to sexually molest and abuse H.C. and other children.

968. Father Titone used his position of trust and authority as a priest of the Diocese and of St. Anthony's-St. Alphonsus to groom H.C. and to sexually abuse him multiple times, including when H.C. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Anthony's-St. Alphonsus, and Father Titone.

969. At certain times, the sexual abuse of H.C. by Father Titone occurred at St. Anthony's-St. Alphonsus, including on church grounds and in the church sacristy.

970. At certain times, Father Titone's sexual abuse of H.C. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Anthony's-St. Alphonsus, including during Mass and when H.C. was serving as an altar boy.

971. Upon information and belief, prior to the times mentioned herein, Father Titone was a known sexual abuser of children.

972. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Titone was a known sexual abuser of children.

973. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Titone's sexual abuse of children would likely result in injury to others, including the sexual abuse of H.C. and other children by Father Titone.

974. Upon information and belief, at certain times, between 1986 and 1989, defendants, their agents, servants, and employees knew or should have known that Father Titone was sexually abusing H.C. and other children at St. Anthony's-St. Alphonsus and elsewhere.

975. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Titone of H.C. was ongoing.

976. Upon information and belief, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, knew or should have known before and during Father Titone's sexual abuse of H.C. that priests and other persons serving the Diocese and St. Anthony's-St. Alphonsus had used their positions with those defendants to groom and to sexually abuse children.

977. Upon information and belief, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, knew or should have known before and during Father Titone's sexual abuse of H.C. that such priests and other persons could not be "cured" through treatment or counseling.

978. Upon information and belief, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, concealed the sexual abuse of children by Father Titone in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Titone would continue to molest children.

979. Upon information and belief, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Titone would use his position with the defendants to sexually abuse children, including H.C.

980. Upon information and belief, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, disregarded their knowledge that Father Titone would use his position with them to sexually abuse children, including H.C.

981. Upon information and belief, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, acted in concert with each other or with Father Titone to conceal

the danger that Father Titone posed to children, including H.C., so that Father Titone could continue serving them despite their knowledge of that danger.

982. Upon information and belief, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including H.C., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

983. Upon information and belief, the Diocese and St. Anthony's-St. Alphonsus, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

984. By reason of the wrongful acts of the Diocese and St. Anthony's-St. Alphonsus as detailed herein, H.C. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and H.C. has and/or will become obligated to expend sums of money for treatment.

#### **XIX. STATEMENT OF FACTS AS TO PLAINTIFF S.E.**

985. Upon information and belief, at all relevant times the Diocese was the owner of St. Patrick's and held itself out to the public as the owner of St. Patrick's.

986. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Patrick's.

987. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Patrick's, including plaintiff S.E. and his family.

988. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Patrick's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Patrick's.

989. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Patrick's.

990. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Patrick's.

991. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Patrick's, including the services of Father Sexton and the services of those who managed and supervised Father Sexton.

992. Upon information and belief, at all relevant times St. Patrick's owned a parish, church, and school.

993. Upon information and belief, at all relevant times St. Patrick's held itself out to the public as the owner of St. Patrick's.

994. Upon information and belief, at all relevant times St. Patrick's employed priests and others who served Catholic families, including plaintiff S.E. and his family.

995. Upon information and belief, at all relevant times St. Patrick's, its agents, servants, and employees managed, maintained, operated, and controlled St. Patrick's, and held out to the

public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Patrick's.

996. Upon information and belief, at all relevant times St. Patrick's was responsible for and did the staffing and hiring at St. Patrick's.

997. Upon information and belief, at all relevant times St. Patrick's was responsible for and did the recruitment and staffing of volunteers at St. Patrick's.

998. Upon information and belief, at all relevant times St. Patrick's materially benefitted from the operation of St. Patrick's, including the services of Father Sexton and the services of those who managed and supervised Father Sexton.

999. Upon information and belief, at all relevant times Father Sexton was a priest of the Diocese.

1000. Upon information and belief, at all relevant times Father Sexton was on the staff of, acted as an agent of, and served as an employee of the Diocese.

1001. Upon information and belief, at all relevant times Father Sexton was acting in the course and scope of his employment with the Diocese.

1002. Upon information and belief, at all relevant times Father Sexton was employed by the Diocese and assigned to St. Patrick's.

1003. Upon information and belief, at all relevant times Father Sexton was a priest of St. Patrick's.

1004. Upon information and belief, at all relevant times Father Sexton was on the staff of, was an agent of, and served as an employee of St. Patrick's.

1005. Upon information and belief, at all relevant times Father Sexton was acting in the course and scope of his employment with St. Patrick's.



1006. Upon information and belief, at all relevant times Father Sexton had an office on the premises of St. Patrick's.

1007. When plaintiff S.E. was a minor, he and his parents were members of the Diocese and St. Patrick's, and plaintiff S.E. was a parishioner and altar boy.

1008. At all relevant times, the Diocese and St. Patrick's, their agents, servants, and employees, held Father Sexton out to the public, to S.E., and to his parents, as their agent and employee.

1009. At all relevant times, the Diocese and St. Patrick's, their agents, servants, and employees, held Father Sexton out to the public, to S.E., and to his parents, as having been vetted, screened, and approved by those defendants.

1010. At all relevant times, S.E. and his parents reasonably relied upon the acts and representations of the Diocese and St. Patrick's, their agents, servants, and employees, and reasonably believed that Father Sexton was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

1011. At all relevant times, S.E. and his parents trusted Father Sexton because the Diocese and St. Patrick's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of S.E.

1012. At all relevant times, S.E. and his parents believed that the Diocese and St. Patrick's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of S.E.

1013. When S.E. was a minor, Father Sexton sexually abused him.

1014. S.E. was sexually abused by Father Sexton when S.E. was approximately 8 to 9 years old.

1015. Based on the representations of the Diocese and St. Patrick's that Father Sexton was safe and trustworthy, S.E. and his parents allowed S.E. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Patrick's, including during the times when S.E. was sexually abused by Father Sexton.

1016. Based on the representations of the Diocese and St. Patrick's that Father Sexton was safe and trustworthy, S.E. and his parents allowed S.E. to be under the supervision of, and in the care, custody, and control of, Father Sexton, including during the times when S.E. was sexually abused by Father Sexton.

1017. Neither S.E. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Patrick's, or Father Sexton if the Diocese or St. Patrick's had disclosed to S.E. or his parents that Father Sexton was not safe and was not trustworthy, and that he in fact posed a danger to S.E. in that Father Sexton was likely to sexually abuse S.E.

1018. No parent of ordinary prudence in comparable circumstances would have allowed S.E. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Patrick's, or Father Sexton if the Diocese or St. Patrick's had disclosed to S.E. or his parents that Father Sexton was not safe and was not trustworthy, and that he in fact posed a danger to S.E. in that Father Sexton was likely to sexually abuse him.

1019. From approximately 1988 through 1989, Father Sexton exploited the trust and authority vested in him by defendants by grooming S.E. to gain his trust and to obtain control over him as part of Father Sexton's plan to sexually molest and abuse S.E. and other children.

1020. Father Sexton used his position of trust and authority as a priest of the Diocese and of St. Patrick's to groom S.E. and to sexually abuse him multiple times, including when S.E. was

under the supervision of, and in the care, custody, or control of, the Diocese, St. Patrick's, and Father Sexton.

1021. At certain times, the sexual abuse of S.E. by Father Sexton occurred at St. Patrick's, including in the rectory.

1022. At certain times, Father Sexton's sexual abuse of S.E. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Patrick's, including when S.E. was returning home with Father Sexton after an altar boy field trip.

1023. Upon information and belief, prior to the times mentioned herein, Father Sexton was a known sexual abuser of children.

1024. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Sexton was a known sexual abuser of children.

1025. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Sexton's sexual abuse of children would likely result in injury to others, including the sexual abuse of S.E. and other children by Father Sexton.

1026. Upon information and belief, at certain times, between 1988 and 1989, defendants, their agents, servants, and employees knew or should have known that Father Sexton was sexually abusing S.E. and other children at St. Patrick's and elsewhere.

1027. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Sexton of S.E. was ongoing.

1028. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew or should have known that Father Sexton was likely to abuse children,

including S.E., because one or more other persons complained to the defendants that Father Sexton had sexually abused children before he sexually abused S.E.

1029. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew or should have known that Father Sexton was likely to abuse children, including S.E., because Father Sexton had been sent for treatment for sexual abuse of one or more children before he sexually abused S.E.

1030. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew or should have known before and during Father Sexton's sexual abuse of S.E. that priests and other persons serving the Diocese and St. Patrick's had used their positions with those defendants to groom and to sexually abuse children.

1031. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew or should have known before and during Father Sexton's sexual abuse of S.E. that such priests and other persons could not be "cured" through treatment or counseling.

1032. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, concealed the sexual abuse of children by Father Sexton in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Sexton would continue to molest children.

1033. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Sexton would use his position with the defendants to sexually abuse children, including S.E.

1034. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, disregarded their knowledge that Father Sexton would use his position with them to sexually abuse children, including S.E.

1035. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, acted in concert with each other or with Father Sexton to conceal the danger that Father Sexton posed to children, including S.E., so that Father Sexton could continue serving them despite their knowledge of that danger.

1036. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including S.E., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

1037. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

1038. By reason of the wrongful acts of the Diocese and St. Patrick's as detailed herein, S.E. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these

injuries are of a permanent and lasting nature, and S.E. has and/or will become obligated to expend sums of money for treatment.

**XX. STATEMENT OF FACTS AS TO PLAINTIFF CAROLINE BORRINO**

1039. Upon information and belief, at all relevant times the Diocese was the owner of Our Lady of Guadalupe and held itself out to the public as the owner of Our Lady of Guadalupe.

1040. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Guadalupe, including its school administrators and teachers.

1041. Upon information and belief, at all relevant times the Diocese employed priests, teachers, school administrators, and others who served Catholic families at Our Lady of Guadalupe, including plaintiff Caroline Borrino and her family.

1042. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Guadalupe, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Our Lady of Guadalupe, including its school administrators and teachers.

1043. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Our Lady of Guadalupe, including its school administrators and teachers.

1044. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Our Lady of Guadalupe, including its school administrators and teachers.

1045. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Our Lady of Guadalupe, including the services of Mr. Pilpel and the services of those who managed and supervised Mr. Pilpel.

1046. Upon information and belief, at all relevant times Our Lady of Guadalupe owned a parish, church, and school.

1047. Upon information and belief, at all relevant times Our Lady of Guadalupe held itself out to the public as the owner of Our Lady of Guadalupe.

1048. Upon information and belief, at all relevant times Our Lady of Guadalupe employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff Caroline Borrino and her family.

1049. Upon information and belief, at all relevant times Our Lady of Guadalupe, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Guadalupe, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Our Lady of Guadalupe, including its school administrators and teachers.

1050. Upon information and belief, at all relevant times Our Lady of Guadalupe was responsible for and did the staffing and hiring at Our Lady of Guadalupe, including its school administrators and teachers.

1051. Upon information and belief, at all relevant times Our Lady of Guadalupe was responsible for and did the recruitment and staffing of volunteers at Our Lady of Guadalupe, including its school administrators and teachers.

1052. Upon information and belief, at all relevant times Our Lady of Guadalupe materially benefitted from the operation of Our Lady of Guadalupe, including the services of Mr. Pilpel and the services of those who managed and supervised Mr. Pilpel.

1053. Upon information and belief, at all relevant times Mr. Pilpel was a teacher of the Diocese.

1054. Upon information and belief, at all relevant times Mr. Pilpel was on the staff of, acted as an agent of, and served as an employee of the Diocese.

1055. Upon information and belief, at all relevant times Mr. Pilpel was acting in the course and scope of his employment with the Diocese.

1056. Upon information and belief, at all relevant times Mr. Pilpel was employed by the Diocese and assigned to Our Lady of Guadalupe.

1057. Upon information and belief, at all relevant times Mr. Pilpel was a teacher of Our Lady of Guadalupe.

1058. Upon information and belief, at all relevant times Mr. Pilpel was on the staff of, was an agent of, and served as an employee of Our Lady of Guadalupe.

1059. Upon information and belief, at all relevant times Mr. Pilpel was acting in the course and scope of his employment with Our Lady of Guadalupe.

1060. Upon information and belief, at all relevant times Mr. Pilpel had an office or room on the premises of Our Lady of Guadalupe and had access to the other offices, rooms, and areas of Our Lady of Guadalupe.

1061. When plaintiff Caroline Borrino was a minor, she and her parents were members of the Diocese and Our Lady of Guadalupe, and Caroline was a student of Our Lady of Guadalupe.

1062. At all relevant times, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, held Mr. Pilpel out to the public, to Caroline, and to her parents, as their agent and employee, including as their teacher.

1063. At all relevant times, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, held Mr. Pilpel out to the public, to Caroline, and to her parents, as having been vetted, screened, and approved by those defendants.



1064. At all relevant times, Caroline and her parents reasonably relied upon the acts and representations of the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, and reasonably believed that Mr. Pilpel was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

1065. At all relevant times, Caroline and her parents trusted Mr. Pilpel because the Diocese and Our Lady of Guadalupe held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Caroline.

1066. At all relevant times, Caroline and her parents believed that the Diocese and Our Lady of Guadalupe would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Caroline.

1067. When Caroline was a minor, Mr. Pilpel sexually abused her.

1068. Caroline was sexually abused by Mr. Pilpel when Caroline was approximately 14 to 15 years old.

1069. Based on the representations of the Diocese and Our Lady of Guadalupe that Mr. Pilpel was safe and trustworthy, Caroline and her parents allowed Caroline to be under the supervision of, and in the care, custody, and control of, the Diocese and Our Lady of Guadalupe, including during the times when Caroline was sexually abused by Mr. Pilpel.

1070. Based on the representations of the Diocese and Our Lady of Guadalupe that Mr. Pilpel was safe and trustworthy, Caroline and her parents allowed Caroline to be under the supervision of, and in the care, custody, and control of, Mr. Pilpel, including during the times when Caroline was sexually abused by Mr. Pilpel.

1071. Neither Caroline nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Lady of Guadalupe, or Mr.

Pilpel if the Diocese or Our Lady of Guadalupe had disclosed to Caroline or her parents that Mr. Pilpel was not safe and was not trustworthy, and that he in fact posed a danger to Caroline in that Mr. Pilpel was likely to sexually abuse Caroline.

1072. No parent of ordinary prudence in comparable circumstances would have allowed Caroline to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Lady of Guadalupe, or Mr. Pilpel if the Diocese or Our Lady of Guadalupe had disclosed to Caroline or her parents that Mr. Pilpel was not safe and was not trustworthy, and that he in fact posed a danger to Caroline in that Mr. Pilpel was likely to sexually abuse her.

1073. From approximately 1989 through 1990, Mr. Pilpel exploited the trust and authority vested in him by defendants by grooming Caroline to gain her trust and to obtain control over her as part of Mr. Pilpel's plan to sexually molest and abuse Caroline and other children.

1074. Mr. Pilpel used his position of trust and authority as a teacher of the Diocese and of Our Lady of Guadalupe to groom Caroline and to sexually abuse her multiple times, including when Caroline was under the supervision of, and in the care, custody, or control of, the Diocese, Our Lady of Guadalupe, and Mr. Pilpel.

1075. At certain times, the sexual abuse of Caroline by Mr. Pilpel occurred at Our Lady of Guadalupe, including on the school grounds.

1076. At certain times, Mr. Pilpel's sexual abuse of Caroline occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Our Lady of Guadalupe, including during his math class in which she was a student.

1077. Upon information and belief, prior to the times mentioned herein, Mr. Pilpel was a known sexual abuser of children.

1078. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Mr. Pilpel was a known sexual abuser of children.

1079. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Mr. Pilpel's sexual abuse of children would likely result in injury to others, including the sexual abuse of Caroline and other children by Mr. Pilpel.

1080. Upon information and belief, at certain times, between 1989 and 1990, defendants, their agents, servants, and employees knew or should have known that Mr. Pilpel was sexually abusing Caroline and other children at Our Lady of Guadalupe and elsewhere.

1081. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Mr. Pilpel of Caroline was ongoing.

1082. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, knew or should have known that Mr. Pilpel was likely to abuse children, including Caroline, because Mr. Pilpel made sexual advances toward other female students at the school in prior years.

1083. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, knew or should have known that Mr. Pilpel was likely to abuse children, including Caroline, because multiple students and parents, including Caroline's mother, told these defendants that Mr. Pilpel was engaging in sexually inappropriate conduct with students at the school. Upon information and belief, these reports occurred before and during the time that Mr. Pilpel used his position as a teacher at Our Lady of Guadalupe to sexually abuse Caroline.

1084. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, knew or should have known before and during Mr. Pilpel's sexual abuse of Caroline that priests, school administrators, teachers, and other persons serving the Diocese and Our Lady of Guadalupe had used their positions with those defendants to groom and to sexually abuse children.

1085. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, knew or should have known before and during Mr. Pilpel's sexual abuse of Caroline that such priests, school administrators, teachers, and other persons could not be "cured" through treatment or counseling.

1086. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, concealed the sexual abuse of children by Mr. Pilpel in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Mr. Pilpel would continue to molest children.

1087. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Mr. Pilpel would use his position with the defendants to sexually abuse children, including Caroline.

1088. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, disregarded their knowledge that Mr. Pilpel would use his position with them to sexually abuse children, including Caroline.

1089. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, acted in concert with each other or with Mr. Pilpel to conceal the danger

that Mr. Pilpel posed to children, including Caroline, so that Mr. Pilpel could continue serving them despite their knowledge of that danger.

1090. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Caroline, and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

1091. Upon information and belief, the Diocese and Our Lady of Guadalupe, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, and other persons in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

1092. By reason of the wrongful acts of the Diocese and Our Lady of Guadalupe as detailed herein, Caroline sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Caroline has and/or will become obligated to expend sums of money for treatment.

## **XXI. CAUSES OF ACTION AS TO PLAINTIFF JEFFREY ESKRIDGE**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1093. Plaintiff Jeffrey Eskridge repeats and re-alleges all of his allegations above and below.

1094. The Diocese and Our Father's House/Our Lady of Victory had a duty to take reasonable steps to protect plaintiff Jeffrey Eskridge, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1095. The Diocese and Our Father's House/Our Lady of Victory also had a duty to take reasonable steps to prevent Father Nugent from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Jeffrey.

1096. The Diocese and Our Father's House/Our Lady of Victory were supervising Jeffrey, and had care, custody, and control of Jeffrey, when he was a resident and sought refuge at Our Father's House/Our Lady of Victory and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1097. These circumstances created a special relationship between the Diocese and Jeffrey, and between Our Father's House/Our Lady of Victory and Jeffrey, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1098. The Diocese and Our Father's House/Our Lady of Victory breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Nugent from harming Jeffrey, including sexually abusing him.

1099. In breaching their duties, including hiring, retaining, and failing to supervise Father Nugent, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Jeffrey, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Jeffrey and other children who were under their supervision and in their care, custody, and control, the Diocese and Our

Father's House/Our Lady of Victory created a risk that Jeffrey would be sexually abused by Father Nugent. The Diocese and Our Father's House/Our Lady of Victory through their actions and inactions created an environment that placed Jeffrey in danger of unreasonable risks of harm under the circumstances.

1100. In breaching their duties, including hiring, retaining, and failing to supervise Father Nugent, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Jeffrey, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Jeffrey and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Father's House/Our Lady of Victory acted willfully and with conscious disregard for the need to protect Jeffrey. The Diocese and Our Father's House/Our Lady of Victory through their actions and inactions created an environment that placed Jeffrey in danger of unreasonable risks of harm under the circumstances.

1101. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Jeffrey.

1102. As a direct and proximate result of the acts and omissions of the Diocese and Our Father's House/Our Lady of Victory, Father Nugent groomed and sexually abused Jeffrey, which has caused Jeffrey to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1103. Plaintiff Jeffrey Eskridge repeats and re-alleges all of his allegations above and below.

1104. The Diocese and Our Father's House/Our Lady of Victory engaged in reckless, extreme, and outrageous conduct by providing Father Nugent with access to children, including plaintiff Jeffrey Eskridge, despite knowing that he would likely use his position to groom and to sexually abuse them, including Jeffrey. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1105. As a result of this reckless, extreme, and outrageous conduct, Father Nugent gained access to Jeffrey and sexually abused him.

1106. The Diocese and Our Father's House/Our Lady of Victory knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Jeffrey did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XXII. CAUSES OF ACTION AS TO PLAINTIFF SEAN COURTNEY**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1107. Plaintiff Sean Courtney repeats and re-alleges all of his allegations above and below.

1108. The Diocese and Our Lady of Grace had a duty to take reasonable steps to protect plaintiff Sean Courtney, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1109. The Diocese and Our Lady of Grace also had a duty to take reasonable steps to prevent Father Evans from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Sean.



1110. The Diocese and Our Lady of Grace were supervising Sean, and had care, custody, and control of Sean, when he was a parishioner, when he was a student, when he served as an altar boy, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1111. These circumstances created a special relationship between the Diocese and Sean, and between Our Lady of Grace and Sean, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1112. The Diocese and Our Lady of Grace breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Evans from harming Sean, including sexually abusing him.

1113. In breaching their duties, including hiring, retaining, and failing to supervise Father Evans, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Sean, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Sean and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Lady of Grace created a risk that Sean would be sexually abused by Father Evans. The Diocese and Our Lady of Grace through their actions and inactions created an environment that placed Sean in danger of unreasonable risks of harm under the circumstances.

1114. In breaching their duties, including hiring, retaining, and failing to supervise Father Evans, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Sean, his parents, and other parents of the danger of sexual

abuse, and failing to create a safe and secure environment for Sean and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Lady of Grace acted willfully and with conscious disregard for the need to protect Sean. The Diocese and Our Lady of Grace through their actions and inactions created an environment that placed Sean in danger of unreasonable risks of harm under the circumstances.

1115. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Sean.

1116. As a direct and proximate result of the acts and omissions of the Diocese and Our Lady of Grace, Father Evans groomed and sexually abused Sean, which has caused Sean to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**

1117. Plaintiff Sean Courtney repeats and re-alleges all of his allegations above and below.

1118. The Diocese and Our Lady of Grace engaged in reckless, extreme, and outrageous conduct by providing Father Evans with access to children, including plaintiff Sean Courtney, despite knowing that he would likely use his position to groom and to sexually abuse them, including Sean. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1119. As a result of this reckless, extreme, and outrageous conduct, Father Evans gained access to Sean and sexually abused him.

The Diocese and Our Lady of Grace knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on

others, and Sean did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

### **XXIII. CAUSES OF ACTION AS TO PLAINTIFF JAMES FORGIONE**

#### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1120. Plaintiff James Forgione repeats and re-alleges all of his allegations above and below.

1121. The Diocese and St. Mary's had a duty to take reasonable steps to protect plaintiff James Forgione, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1122. The Diocese and St. Mary's also had a duty to take reasonable steps to prevent Father McElroy from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including James.

1123. The Diocese and St. Mary's were supervising James, and had care, custody, and control of James, when he was a parishioner, when he was with Father McElroy at the rectory, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1124. These circumstances created a special relationship between the Diocese and James, and between St. Mary's and James, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1125. The Diocese and St. Mary's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father McElroy from harming James, including sexually abusing him.

1126. In breaching their duties, including hiring, retaining, and failing to supervise Father McElroy, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn James, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for James and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Mary's created a risk that James would be sexually abused by Father McElroy. The Diocese and St. Mary's through their actions and inactions created an environment that placed James in danger of unreasonable risks of harm under the circumstances.

1127. In breaching their duties, including hiring, retaining, and failing to supervise Father McElroy, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn James, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for James and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Mary's acted willfully and with conscious disregard for the need to protect James. The Diocese and St. Mary's through their actions and inactions created an environment that placed James in danger of unreasonable risks of harm under the circumstances.

1128. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of James.

1129. As a direct and proximate result of the acts and omissions of the Diocese and St. Mary's, Father McElroy groomed and sexually abused James, which has caused James to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1130. Plaintiff James Forgione repeats and re-alleges all of his allegations above and below.

1131. The Diocese and St. Mary's engaged in reckless, extreme, and outrageous conduct by providing Father McElroy with access to children, including plaintiff James Forgione, despite knowing that he would likely use his position to groom and to sexually abuse them, including James. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1132. As a result of this reckless, extreme, and outrageous conduct, Father McElroy gained access to James and sexually abused him.

1133. The Diocese and St. Mary's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and James did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXIV. CAUSES OF ACTION AS TO PLAINTIFF P.B.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1134. Plaintiff P.B. repeats and re-alleges all of her allegations above and below.

1135. The Diocese and TMLA had a duty to take reasonable steps to protect plaintiff P.B., a child, from foreseeable harm when she was under their supervision and in their care, custody, and control.

1136. The Diocese and TMLA also had a duty to take reasonable steps to prevent Sister Noel Marie from using the tasks, premises, and instrumentalities of her position with the defendants to target, groom, and sexually abuse children, including P.B.

1137. The Diocese and TMLA were supervising P.B., and had care, custody, and control of P.B., when she was a student of TMLA and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1138. These circumstances created a special relationship between the Diocese and P.B., and between TMLA and P.B., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1139. The Diocese and TMLA breached each of the foregoing duties by failing to exercise reasonable care to prevent Sister Noel Marie from harming P.B., including sexually abusing her.

1140. In breaching their duties, including hiring, retaining, and failing to supervise Sister Noel Marie, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn P.B., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for P.B. and other children who were under their supervision and in their care, custody, and control, the Diocese and TMLA created a risk that P.B. would be sexually abused by Sister Noel Marie. The Diocese and TMLA through their actions and inactions created an environment that placed P.B. in danger of unreasonable risks of harm under the circumstances.

1141. In breaching their duties, including hiring, retaining, and failing to supervise Sister Noel Marie, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from

sexual abuse and other harm, failing to warn P.B., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for P.B. and other children who were under their supervision and in their care, custody, and control, the Diocese and TMLA acted willfully and with conscious disregard for the need to protect P.B. The Diocese and TMLA through their actions and inactions created an environment that placed P.B. in danger of unreasonable risks of harm under the circumstances.

1142. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of P.B.

1143. As a direct and proximate result of the acts and omissions of the Diocese and TMLA, Sister Noel Marie groomed and sexually abused P.B., which has caused P.B. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1144. Plaintiff P.B. repeats and re-alleges all of her allegations above and below.

1145. The Diocese and TMLA engaged in reckless, extreme, and outrageous conduct by providing Sister Noel Marie with access to children, including plaintiff P.B., despite knowing that she would likely use her position to groom and to sexually abuse them, including P.B. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1146. As a result of this reckless, extreme, and outrageous conduct, Sister Noel Marie gained access to P.B. and sexually abused her.

1147. The Diocese and TMLA knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on

others, and P.B. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXV. CAUSES OF ACTION AS TO PLAINTIFF JOHN SCOTTO**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1148. Plaintiff John Scotto repeats and re-alleges all of his allegations above and below.

1149. The Diocese and St. Mary Star of the Sea had a duty to take reasonable steps to protect plaintiff John Scotto, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1150. The Diocese and St. Mary Star of the Sea also had a duty to take reasonable steps to prevent Mr. Luttenburger from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including John.

1151. The Diocese and St. Mary Star of the Sea were supervising John, and had care, custody, and control of John, when he was a student at St. Mary Star of the Sea and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1152. These circumstances created a special relationship between the Diocese and John, and between St. Mary Star of the Sea and John, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1153. The Diocese and St. Mary Star of the Sea breached each of the foregoing duties by failing to exercise reasonable care to prevent Mr. Luttenburger from harming John, including sexually abusing him.

1154. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Luttenburger, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from



sexual abuse and other harm, failing to warn John, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for John and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Mary Star of the Sea created a risk that John would be sexually abused by Mr. Luttenburger. The Diocese and St. Mary Star of the Sea through their actions and inactions created an environment that placed John in danger of unreasonable risks of harm under the circumstances.

1155. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Luttenburger, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn John, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for John and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Mary Star of the Sea acted willfully and with conscious disregard for the need to protect John. The Diocese and St. Mary Star of the Sea through their actions and inactions created an environment that placed John in danger of unreasonable risks of harm under the circumstances.

1156. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of John.

1157. As a direct and proximate result of the acts and omissions of the Diocese and St. Mary Star of the Sea, Mr. Luttenburger groomed and sexually abused John, which has caused John to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1158. Plaintiff John Scotto repeats and re-alleges all of his allegations above and below.

1159. The Diocese and St. Mary Star of the Sea engaged in reckless, extreme, and outrageous conduct by providing Mr. Luttenburger with access to children, including plaintiff John Scotto, despite knowing that he would likely use his position to groom and to sexually abuse them, including John. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1160. As a result of this reckless, extreme, and outrageous conduct, Mr. Luttenburger gained access to John and sexually abused him.

1161. The Diocese and St. Mary Star of the Sea knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and John did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XXVI. CAUSES OF ACTION AS TO PLAINTIFF EDWARD PITRE**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1162. Plaintiff Edward Pitre repeats and re-alleges all of his allegations above and below.

1163. The Diocese and St. John's had a duty to take reasonable steps to protect plaintiff Edward Pitre, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control, including when he was a student and resident at St. John's.

1164. The Diocese and St. John's also had a duty to take reasonable steps to prevent Mr. Proce from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Edward.

1165. The Diocese and St. John's were supervising Edward, and had care, custody, and control of Edward, when he was a student of St. John's, when he was a resident of St. John's, and

at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1166. These circumstances created a special relationship between the Diocese and Edward, and between St. John's and Edward, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1167. The Diocese and St. John's breached each of the foregoing duties by failing to exercise reasonable care to prevent Mr. Proce from harming Edward, including sexually abusing him.

1168. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Proce, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Edward and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Edward and other children who were under their supervision and in their care, custody, and control, the Diocese and St. John's created a risk that Edward would be sexually abused by Mr. Proce. The Diocese and St. John's through their actions and inactions created an environment that placed Edward in danger of unreasonable risks of harm under the circumstances.

1169. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Proce, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Edward and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Edward and other children who were under their supervision and in their care, custody, and control, the Diocese and St. John's acted willfully and

with conscious disregard for the need to protect Edward. The Diocese and St. John's through their actions and inactions created an environment that placed Edward in danger of unreasonable risks of harm under the circumstances.

1170. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Edward.

1171. As a direct and proximate result of the acts and omissions of the Diocese and St. John's, Mr. Proce groomed and sexually abused Edward, which has caused Edward to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1172. Plaintiff Edward Pitre repeats and re-alleges all of his allegations above and below.

1173. The Diocese and St. John's engaged in reckless, extreme, and outrageous conduct by providing Mr. Proce with access to children, including plaintiff Edward Pitre, despite knowing that he would likely use his position to groom and to sexually abuse them, including Edward. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1174. As a result of this reckless, extreme, and outrageous conduct, Mr. Proce gained access to Edward and sexually abused him.

1175. The Diocese and St. John's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Edward did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXVII. CAUSES OF ACTION AS TO PLAINTIFF GEORGE PITRE****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1176. Plaintiff George Pitre repeats and re-alleges all of his allegations above and below.

1177. The Diocese and St. John's had a duty to take reasonable steps to protect plaintiff George Pitre, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control, including when he was a resident and student at St. John's.

1178. The Diocese and St. John's also had a duty to take reasonable steps to prevent Mr. Proce from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including George.

1179. The Diocese and St. John's were supervising George, and had care, custody, and control of George, when he was a student of St. John's, when he was a resident of St. John's, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1180. These circumstances created a special relationship between the Diocese and George, and between St. John's and George, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1181. The Diocese and St. John's breached each of the foregoing duties by failing to exercise reasonable care to prevent Mr. Proce from harming George, including sexually abusing him.

1182. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Proce, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn George and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for George and other children who were under their

supervision and in their care, custody, and control, the Diocese and St. John's created a risk that George would be sexually abused by Mr. Proce. The Diocese and St. John's through their actions and inactions created an environment that placed George in danger of unreasonable risks of harm under the circumstances.

1183. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Proce, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn George and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for George and other children who were under their supervision and in their care, custody, and control, the Diocese and St. John's acted willfully and with conscious disregard for the need to protect George. The Diocese and St. John's through their actions and inactions created an environment that placed George in danger of unreasonable risks of harm under the circumstances.

1184. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of George.

1185. As a direct and proximate result of the acts and omissions of the Diocese and St. John's, Mr. Proce groomed and sexually abused George, which has caused George to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1186. Plaintiff George Pitre repeats and re-alleges all of his allegations above and below.

1187. The Diocese and St. John's engaged in reckless, extreme, and outrageous conduct by providing Mr. Proce with access to children, including plaintiff George Pitre, despite knowing that he would likely use his position to groom and to sexually abuse them, including George. Their

misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1188. As a result of this reckless, extreme, and outrageous conduct, Mr. Proce gained access to George and sexually abused him.

1189. The Diocese and St. John's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and George did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XXVIII. CAUSES OF ACTION AS TO PLAINTIFF L.S.**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1190. Plaintiff L.S. repeats and re-alleges all of her allegations above and below.

1191. The Diocese and Saints Simon & Jude had a duty to take reasonable steps to protect plaintiff L.S., a child, from foreseeable harm when she was under their supervision and in their care, custody, and control, including when she was a student at Saints Simon & Jude.

1192. The Diocese and Saints Simon & Jude also had a duty to take reasonable steps to prevent Ms. Jaworski from using the tasks, premises, and instrumentalities of her position with the defendants to target, groom, and sexually abuse children, including L.S.

1193. The Diocese and Saints Simon & Jude were supervising L.S., and had care, custody, and control of L.S., when she was a student of their school, when she participated in church services, church activities, and music field trips, and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1194. These circumstances created a special relationship between the Diocese and L.S., and between Saints Simon & Jude and L.S., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1195. The Diocese and Saints Simon & Jude breached each of the foregoing duties by failing to exercise reasonable care to prevent Ms. Jaworski from harming L.S., including sexually abusing her.

1196. In breaching their duties, including hiring, retaining, and failing to supervise Ms. Jaworski, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn L.S., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for L.S. and other children who were under their supervision and in their care, custody, and control, the Diocese and Saints Simon & Jude created a risk that L.S. would be sexually abused by Ms. Jaworski. The Diocese and Saints Simon & Jude through their actions and inactions created an environment that placed L.S. in danger of unreasonable risks of harm under the circumstances.

1197. In breaching their duties, including hiring, retaining, and failing to supervise Ms. Jaworski, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn L.S., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for L.S. and other children who were under their supervision and in their care, custody, and control, the Diocese and Saints Simon & Jude acted willfully and with conscious disregard for the need to protect L.S. The Diocese and



Saints Simon & Jude through their actions and inactions created an environment that placed L.S. in danger of unreasonable risks of harm under the circumstances.

1198. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of L.S.

1199. As a direct and proximate result of the acts and omissions of the Diocese and Saints Simon & Jude, Ms. Jaworski groomed and sexually abused L.S., which has caused L.S. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1200. Plaintiff L.S. repeats and re-alleges all of her allegations above and below.

1201. The Diocese and Saints Simon & Jude engaged in reckless, extreme, and outrageous conduct by providing Ms. Jaworski with access to children, including plaintiff L.S., despite knowing that she would likely use her position to groom and to sexually abuse them, including L.S. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1202. As a result of this reckless, extreme, and outrageous conduct, Ms. Jaworski gained access to L.S. and sexually abused her.

1203. The Diocese and Saints Simon & Jude knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and L.S. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXIX. CAUSES OF ACTION AS TO PLAINTIFF DOMINICK PAGANO****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1204. Plaintiff Dominick Pagano repeats and re-alleges all of his allegations above and below.

1205. The Diocese and Bishop Loughlin had a duty to take reasonable steps to protect plaintiff Dominick Pagano, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control, including when he was a student of Bishop Loughlin.

1206. The Diocese and Bishop Loughlin also had a duty to take reasonable steps to prevent Father Zatarga from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Dominick.

1207. The Diocese and Bishop Loughlin were supervising Dominick, and had care, custody, and control of Dominick, when he was a student of Bishop Loughlin and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1208. These circumstances created a special relationship between the Diocese and Dominick, and between Bishop Loughlin and Dominick, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1209. The Diocese and Bishop Loughlin breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Zatarga from harming Dominick, including sexually abusing him.

1210. In breaching their duties, including hiring, retaining, and failing to supervise Father Zatarga, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Dominick, his parents, and other parents of the danger

of sexual abuse, and failing to create a safe and secure environment for Dominick and other children who were under their supervision and in their care, custody, and control, the Diocese and Bishop Loughlin created a risk that Dominick would be sexually abused by Father Zatarga. The Diocese and Bishop Loughlin through their actions and inactions created an environment that placed Dominick in danger of unreasonable risks of harm under the circumstances.

1211. In breaching their duties, including hiring, retaining, and failing to supervise Father Zatarga, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Dominick, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Dominick and other children who were under their supervision and in their care, custody, and control, the Diocese and Bishop Loughlin acted willfully and with conscious disregard for the need to protect Dominick. The Diocese and Bishop Loughlin through their actions and inactions created an environment that placed Dominick in danger of unreasonable risks of harm under the circumstances.

1212. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Dominick.

1213. As a direct and proximate result of the acts and omissions of the Diocese and Bishop Loughlin, Father Zatarga groomed and sexually abused Dominick, which has caused Dominick to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1214. Plaintiff Dominick Pagano repeats and re-alleges all of his allegations above and below.

1215. The Diocese and Bishop Loughlin engaged in reckless, extreme, and outrageous conduct by providing Father Zatarga with access to children, including plaintiff Dominick Pagano, despite knowing that he would likely use his position to groom and to sexually abuse them, including Dominick. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1216. As a result of this reckless, extreme, and outrageous conduct, Father Zatarga gained access to Dominick and sexually abused him.

1217. The Diocese and Bishop Loughlin knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Dominick did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

### **XXX. CAUSES OF ACTION AS TO PLAINTIFF WILLIAM NOVAK**

#### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1218. Plaintiff William Novak repeats and re-alleges all of his allegations above and below.

1219. The Diocese and St. Ephrem had a duty to take reasonable steps to protect plaintiff William Novak, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1220. The Diocese and St. Ephrem also had a duty to take reasonable steps to prevent Father Ferro from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including William.

1221. The Diocese and St. Ephrem were supervising William, and had care, custody, and control of William, when he was a parishioner, when he was a student of their school, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1222. These circumstances created a special relationship between the Diocese and William, and between St. Ephrem and William, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1223. The Diocese and St. Ephrem breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Ferro from harming William, including sexually abusing him.

1224. In breaching their duties, including hiring, retaining, and failing to supervise Father Ferro, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn William, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for William and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Ephrem created a risk that William would be sexually abused by Father Ferro. The Diocese and St. Ephrem through their actions and inactions created an environment that placed William in danger of unreasonable risks of harm under the circumstances.

1225. In breaching their duties, including hiring, retaining, and failing to supervise Father Ferro, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn William, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for William and other children

who were under their supervision and in their care, custody, and control, the Diocese and St. Ephrem acted willfully and with conscious disregard for the need to protect William. The Diocese and St. Ephrem through their actions and inactions created an environment that placed William in danger of unreasonable risks of harm under the circumstances.

1226. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of William.

1227. As a direct and proximate result of the acts and omissions of the Diocese and St. Ephrem, Father Ferro groomed and sexually abused William, which has caused William to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1228. Plaintiff William Novak repeats and re-alleges all of his allegations above and below.

1229. The Diocese and St. Ephrem engaged in reckless, extreme, and outrageous conduct by providing Father Ferro with access to children, including plaintiff William Novak, despite knowing that he would likely use his position to groom and to sexually abuse them, including William. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1230. As a result of this reckless, extreme, and outrageous conduct, Father Ferro gained access to William and sexually abused him.

1231. The Diocese and St. Ephrem knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and William did in fact suffer severe emotional and psychological distress and

personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

### **XXXI. CAUSES OF ACTION AS TO PLAINTIFF GARRETT TUPPER**

#### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1232. Plaintiff Garrett Tupper repeats and re-alleges all of his allegations above and below.

1233. The Diocese and Our Lady of the Angelus had a duty to take reasonable steps to protect plaintiff Garrett Tupper, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control, including when Garrett was a student of Our Lady of the Angelus and when he was an altar boy of the defendants.

1234. The Diocese and Our Lady of the Angelus also had a duty to take reasonable steps to prevent Father Connolly from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Garrett.

1235. The Diocese and Our Lady of the Angelus were supervising Garrett, and had care, custody, and control of Garrett, when he was a student in their school, when he served as an altar boy, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1236. These circumstances created a special relationship between the Diocese and Garrett, and between Our Lady of the Angelus and Garrett, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1237. The Diocese and Our Lady of the Angelus breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Connolly from harming Garrett, including sexually abusing him.

1238. In breaching their duties, including hiring, retaining, and failing to supervise Father Connolly, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Garrett, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Garrett and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Lady of the Angelus created a risk that Garrett would be sexually abused by Father Connolly. The Diocese and Our Lady of the Angelus through their actions and inactions created an environment that placed Garrett in danger of unreasonable risks of harm under the circumstances.

1239. In breaching their duties, including hiring, retaining, and failing to supervise Father Connolly, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Garrett, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Garrett and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Lady of the Angelus acted willfully and with conscious disregard for the need to protect Garrett. The Diocese and Our Lady of the Angelus through their actions and inactions created an environment that placed Garrett in danger of unreasonable risks of harm under the circumstances.

1240. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Garrett.

1241. As a direct and proximate result of the acts and omissions of the Diocese and Our Lady of the Angelus, Father Connolly groomed and sexually abused Garrett, which has caused Garrett to suffer general and special damages as more fully described herein.



**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1242. Plaintiff Garrett Tupper repeats and re-alleges all of his allegations above and below.

1243. The Diocese and Our Lady of the Angelus engaged in reckless, extreme, and outrageous conduct by providing Father Connolly with access to children, including plaintiff Garrett Tupper, despite knowing that he would likely use his position to groom and to sexually abuse them, including Garrett. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1244. As a result of this reckless, extreme, and outrageous conduct, Father Connolly gained access to Garrett and sexually abused him.

1245. The Diocese and Our Lady of the Angelus knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Garrett did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXXII. CAUSES OF ACTION AS TO PLAINTIFF D.K.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1246. Plaintiff D.K. repeats and re-alleges all of her allegations above and below.

1247. The Diocese and Saints Simon & Jude had a duty to take reasonable steps to protect plaintiff D.K., a child, from foreseeable harm when she was under their supervision and in their care, custody, and control, including when she was a student at Saints Simon & Jude.

1248. The Diocese and Saints Simon & Jude also had a duty to take reasonable steps to prevent Ms. Jaworski from using the tasks, premises, and instrumentalities of her position as a teacher with the defendants to target, groom, and sexually abuse children, including D.K.

1249. The Diocese and Saints Simon & Jude were supervising D.K., and had care, custody, and control of D.K., when she was a student of their school and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1250. These circumstances created a special relationship between the Diocese and D.K., and between Saints Simon & Jude and D.K., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1251. The Diocese and Saints Simon & Jude breached each of the foregoing duties by failing to exercise reasonable care to prevent Ms. Jaworski from harming D.K., including sexually abusing her.

1252. In breaching their duties, including hiring, retaining, and failing to supervise Ms. Jaworski, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn D.K., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for D.K. and other children who were under their supervision and in their care, custody, and control, the Diocese and Saints Simon & Jude created a risk that D.K. would be sexually abused by Ms. Jaworski. The Diocese and Saints Simon & Jude through their actions and inactions created an environment that placed D.K. in danger of unreasonable risks of harm under the circumstances.

1253. In breaching their duties, including hiring, retaining, and failing to supervise Ms. Jaworski, giving her access to children, entrusting their tasks, premises, and instrumentalities to

her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn D.K., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for D.K. and other children who were under their supervision and in their care, custody, and control, the Diocese and Saints Simon & Jude acted willfully and with conscious disregard for the need to protect D.K. The Diocese and Saints Simon & Jude through their actions and inactions created an environment that placed D.K. in danger of unreasonable risks of harm under the circumstances.

1254. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of D.K.

1255. As a direct and proximate result of the acts and omissions of the Diocese and Saints Simon & Jude, Ms. Jaworski groomed and sexually abused D.K., which has caused D.K. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1256. Plaintiff D.K. repeats and re-alleges all of her allegations above and below.

1257. The Diocese and Saints Simon & Jude engaged in reckless, extreme, and outrageous conduct by providing Ms. Jaworski with access to children, including plaintiff D.K., despite knowing that she would likely use her position to groom and to sexually abuse them, including D.K. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1258. As a result of this reckless, extreme, and outrageous conduct, Ms. Jaworski gained access to D.K. and sexually abused her.

1259. The Diocese and Saints Simon & Jude knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and D.K. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXXIII. CAUSES OF ACTION AS TO PLAINTIFF J.N.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1260. Plaintiff J.N. repeats and re-alleges all of his allegations above and below.

1261. The Diocese and St. Bernard had a duty to take reasonable steps to protect plaintiff J.N., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1262. The Diocese and St. Bernard also had a duty to take reasonable steps to prevent Father Pugliese from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including J.N.

1263. The Diocese and St. Bernard were supervising J.N., and had care, custody, and control of J.N., when he was participating in communion practice and CCD classes at St. Bernard, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1264. These circumstances created a special relationship between the Diocese and J.N., and between St. Bernard and J.N., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1265. The Diocese and St. Bernard breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Pugliese from harming J.N., including sexually abusing him.

1266. In breaching their duties, including hiring, retaining, and failing to supervise Father Pugliese, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn J.N., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for J.N. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Bernard created a risk that J.N. would be sexually abused by Father Pugliese. The Diocese and St. Bernard through their actions and inactions created an environment that placed J.N. in danger of unreasonable risks of harm under the circumstances.

1267. In breaching their duties, including hiring, retaining, and failing to supervise Father Pugliese, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn J.N., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for J.N. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Bernard acted willfully and with conscious disregard for the need to protect J.N. The Diocese and St. Bernard through their actions and inactions created an environment that placed J.N. in danger of unreasonable risks of harm under the circumstances.

1268. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of J.N.

1269. As a direct and proximate result of the acts and omissions of the Diocese and St. Bernard, Father Pugliese groomed and sexually abused J.N., which has caused J.N. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1270. Plaintiff J.N. repeats and re-alleges all of his allegations above and below.

1271. The Diocese and St. Bernard engaged in reckless, extreme, and outrageous conduct by providing Father Pugliese with access to children, including plaintiff J.N., despite knowing that he would likely use his position to groom and to sexually abuse them, including J.N. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1272. As a result of this reckless, extreme, and outrageous conduct, Father Pugliese gained access to J.N. and sexually abused him.

1273. The Diocese and St. Bernard knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and J.N. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXXIV. CAUSES OF ACTION AS TO PLAINTIFF H.C.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1274. Plaintiff H.C. repeats and re-alleges all of his allegations above and below.

1275. The Diocese and St. Anthony's-St. Alphonsus had a duty to take reasonable steps to protect plaintiff H.C., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1276. The Diocese and St. Anthony's-St. Alphonsus also had a duty to take reasonable steps to prevent Father Titone from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including H.C.

1277. The Diocese and St. Anthony's-St. Alphonsus were supervising H.C., and had care, custody, and control of H.C., when he was a student of their school, when served as an altar boy, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1278. These circumstances created a special relationship between the Diocese and H.C., and between St. Anthony's-St. Alphonsus and H.C., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1279. The Diocese and St. Anthony's-St. Alphonsus breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Titone from harming H.C., including sexually abusing him.

1280. In breaching their duties, including hiring, retaining, and failing to supervise Father Titone, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn H.C., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for H.C. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Anthony's-St. Alphonsus created a risk that H.C. would be sexually abused by Father Titone. The Diocese and St. Anthony's-St. Alphonsus through their actions and inactions created an environment that placed H.C. in danger of unreasonable risks of harm under the circumstances.

1281. In breaching their duties, including hiring, retaining, and failing to supervise Father Titone, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn H.C., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for H.C. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Anthony's-St. Alphonsus acted willfully and with conscious disregard for the need to protect H.C. The Diocese and St. Anthony's-St. Alphonsus through their actions and inactions created an environment that placed H.C. in danger of unreasonable risks of harm under the circumstances.

1282. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of H.C.

1283. As a direct and proximate result of the acts and omissions of the Diocese and St. Anthony's-St. Alphonsus, Father Titone groomed and sexually abused H.C., which has caused H.C. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1284. Plaintiff H.C. repeats and re-alleges all of his allegations above and below.

1285. The Diocese and St. Anthony's-St. Alphonsus engaged in reckless, extreme, and outrageous conduct by providing Father Titone with access to children, including plaintiff H.C., despite knowing that he would likely use his position to groom and to sexually abuse them, including H.C. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.



1286. As a result of this reckless, extreme, and outrageous conduct, Father Titone gained access to H.C. and sexually abused him.

1287. The Diocese and St. Anthony's-St. Alphonsus knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and H.C. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXXV. CAUSES OF ACTION AS TO PLAINTIFF S.E.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1288. Plaintiff S.E. repeats and re-alleges all of his allegations above and below.

1289. The Diocese and St. Patrick's had a duty to take reasonable steps to protect plaintiff S.E., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1290. The Diocese and St. Patrick's also had a duty to take reasonable steps to prevent Father Sexton from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including S.E.

1291. The Diocese and St. Patrick's were supervising S.E., and had care, custody, and control of S.E., when he was a member, when he was a parishioner, when he served as an altar boy, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1292. These circumstances created a special relationship between the Diocese and S.E., and between St. Patrick's and S.E., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1293. The Diocese and St. Patrick's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Sexton from harming S.E., including sexually abusing him.

1294. In breaching their duties, including hiring, retaining, and failing to supervise Father Sexton, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn S.E., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for S.E. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Patrick's created a risk that S.E. would be sexually abused by Father Sexton. The Diocese and St. Patrick's through their actions and inactions created an environment that placed S.E. in danger of unreasonable risks of harm under the circumstances.

1295. In breaching their duties, including hiring, retaining, and failing to supervise Father Sexton, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn S.E., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for S.E. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Patrick's acted willfully and with conscious disregard for the need to protect S.E. The Diocese and St. Patrick's through their actions and inactions created an environment that placed S.E. in danger of unreasonable risks of harm under the circumstances.

1296. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of S.E.

1297. As a direct and proximate result of the acts and omissions of the Diocese and St. Patrick's, Father Sexton groomed and sexually abused S.E., which has caused S.E. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1298. Plaintiff S.E. repeats and re-alleges all of his allegations above and below.

1299. The Diocese and St. Patrick's engaged in reckless, extreme, and outrageous conduct by providing Father Sexton with access to children, including plaintiff S.E., despite knowing that he would likely use his position to groom and to sexually abuse them, including S.E. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1300. As a result of this reckless, extreme, and outrageous conduct, Father Sexton gained access to S.E. and sexually abused him.

1301. The Diocese and St. Patrick's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and S.E. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXXVI. CAUSES OF ACTION AS TO PLAINTIFF CAROLINE BORRINO**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1302. Plaintiff Caroline Borrino repeats and re-alleges all of her allegations above and below.

1303. The Diocese and Our Lady of Guadalupe had a duty to take reasonable steps to protect plaintiff Caroline Borrino, a child, from foreseeable harm when she was under their supervision and in their care, custody, and control, including when she was a student at Our Lady of Guadalupe.

1304. The Diocese and Our Lady of Guadalupe also had a duty to take reasonable steps to prevent Mr. Pilpel from using the tasks, premises, and instrumentalities of his position as a teacher with the defendants to target, groom, and sexually abuse children, including Caroline.

1305. The Diocese and Our Lady of Guadalupe were supervising Caroline, and had care, custody, and control of Caroline, when she was a student of their school and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1306. These circumstances created a special relationship between the Diocese and Caroline, and between Our Lady of Guadalupe and Caroline, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1307. The Diocese and Our Lady of Guadalupe breached each of the foregoing duties by failing to exercise reasonable care to prevent Mr. Pilpel from harming Caroline, including sexually abusing her.

1308. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Pilpel, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Caroline, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Caroline and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Lady

of Guadalupe created a risk that Caroline would be sexually abused by Mr. Pilpel. The Diocese and Our Lady of Guadalupe through their actions and inactions created an environment that placed Caroline in danger of unreasonable risks of harm under the circumstances.

1309. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Pilpel, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Caroline, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Caroline and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Lady of Guadalupe acted willfully and with conscious disregard for the need to protect Caroline. The Diocese and Our Lady of Guadalupe through their actions and inactions created an environment that placed Caroline in danger of unreasonable risks of harm under the circumstances.

1310. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Caroline.

1311. As a direct and proximate result of the acts and omissions of the Diocese and Our Lady of Guadalupe, Mr. Pilpel groomed and sexually abused Caroline, which has caused Caroline to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1312. Plaintiff Caroline Borrino repeats and re-alleges all of her allegations above and below.

1313. The Diocese and Our Lady of Guadalupe engaged in reckless, extreme, and outrageous conduct by providing Mr. Pilpel with access to children, including plaintiff Caroline Borrino, despite knowing that he would likely use his position to groom and to sexually abuse

them, including Caroline. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1314. As a result of this reckless, extreme, and outrageous conduct, Mr. Pilpel gained access to Caroline and sexually abused her.

1315. The Diocese and Our Lady of Guadalupe knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Caroline did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

#### **XXXVII. CPLR 1603 – NO APPORTIONMENT OF LIABILITY**

1316. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

#### **XXXVIII. PRAYER FOR RELIEF**

1317. The plaintiffs demand judgment against the defendants named in their causes of action, together with compensatory and punitive damages to be determined at trial, and the interest, cost and disbursements pursuant to their causes of action, and such other and further relief as the Court deems just and proper.

1318. The plaintiffs specifically reserve the right to pursue additional causes of action, other than those outlined above, that are supported by the facts pleaded or that may be supported by other facts learned in discovery.

Dated: August 14, 2019

Respectfully Yours,

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By 

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